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Measures to eliminate international terrorism

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Report of the Secretary-General

Summary

The present report has been prepared pursuant to paragraph 8 of General Assembly resolution 50/53, as read together with Assembly resolution 72/123 on measures to eliminate international terrorism. In sections II.A and II.B, the report contains information on measures taken at the national and international levels, based on submissions from Governments and international organizations. Section III contains a list of relevant international legal instruments.

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I. Introduction

1. The present report has been prepared pursuant to paragraph 8 of General Assembly resolution 50/53, as read together with paragraph 24 of Assembly resolution 72/123.

2. States were requested to submit, by 1 June 2018, information on the implementation of paragraphs 10 (a) and (b) of the Declaration on Measures to Eliminate International Terrorism, annexed to General Assembly resolution 49/60, and were alerted to the fact that late submissions would be included in the next reporting cycle, as appropriate. Section II.A below contains a summary of the replies received.

3. Relevant specialized agencies and other relevant international organizations were also invited to submit, by 1 June 2018, information or other pertinent material on the implementation of paragraph 10 (a) of the Declaration. Section II.B below contains a summary of the replies received.

4. The summaries of the replies focus exclusively on the matters referred to in paragraphs 10 (a) and (b) of the Declaration, namely: (a) collection of data on the status and implementation of existing multilateral, regional and bilateral agreements relating to international terrorism, including information on incidents caused by international terrorism and criminal prosecutions and sentencing; and (b) national laws and regulations on counter-terrorism. The full texts of the replies received, including any received after 1 June 2018, are available from the website of the Sixth Committee of the General Assembly.[1]

II. Measures taken at the national and international levels regarding the prevention and suppression of international terrorism, and information on incidents caused by international terrorism

A. Information received from Member States

Algeria

5. Algeria had ratified all 19 universal counter-terrorism instruments, as well as the Arab Convention on the Suppression of Terrorism, of 1998, the Organization of African Unity Convention on the Prevention and Combating of Terrorism, of 1999 and the Convention of the Organization of the Islamic Conference on Combating International Terrorism, of 1999. It had actively participated in a number of counter-terrorism initiatives at the universal, regional and bilateral levels, including with Indonesia, Italy, the Russian Federation, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

6. Algeria had adapted its own legal order to conform with applicable international instruments, including in relation to the question of foreign terrorist fighters. In relation to the financing of terrorism, a framework for money-laundering and the financing of terrorism had been implemented through Law No. 15-06 of 2015 and Law No. 05-01 of 2005, pursuant to international treaties and relevant Security Council resolutions. Furthermore, a number of asset-freezing and seizure provisions had been implemented through Executive Decree No. 15-113 of 2015, and Algeria had joined the Egmont Group of Financial Intelligence Units. Algeria had also

[1] www.un.org/en/ga/sixth.

adopted a number of important initiatives concerning the prevention of radicalization and the fight against extremist ideologies.

7. Algeria reported in detail on the many legislative and institutional measures it had taken over the years regarding the investigation and prosecution of terrorist activities. Among the most recent measures, it highlighted certain amendments to its criminal code and its code of criminal procedure, which had provided new tools to the relevant authorities. For example, articles 87 bis 11, 87 bis 12 and 394 bis 08 of the criminal code had transposed the provisions of Security Council resolution 2178 (2014). Article 87 bis 11, in particular, reflected paragraph 6 of that resolution, as it stipulated that the crime of travelling or attempting to travel from Algeria to another State for the purpose of perpetrating, planning, preparing or participating in terrorist acts, or providing or receiving terrorism training, was punishable by a term of imprisonment ranging between 5 and 10 years and a penalty of DA 100,000 to DA 500,000; similar penalties would be imposed for supporting or financing such travel and for using information technology in such endeavours. A significant number of initiatives to promote internal security had also been adopted. Furthermore, the constitutional reforms of 2016 had led to the strengthening of the rule of law, democratic institutions and human rights. A number of institutions had been established with the purpose of reinforcing the respect for human rights in the judicial and security aspects of the fight against terrorism.

Belgium

8. After the terrorist attacks of 22 March 2016 in Brussels, the legal, institutional and operational framework to combat terrorism had been strengthened while maintaining a holistic approach to preventing and countering the phenomenon. Since 2015, 30 counter-terrorism measures had been introduced by the Government, and new measures had been announced in 2017. The judicial approach to countering terrorism had also been strengthened, both by reference to the legal definition of terrorism offences and in relation to intelligence and investigation methods. Resources available to security services had been bolstered, and information-sharing had been improved.

9. Among the newly adopted measures, Belgium underlined that travel abroad for terrorism-related purposes was now a terrorist offence, the options for revoking the Belgian nationality of people with double nationality had been increased and a change in the consular code now allowed the refusal, withdrawal or invalidation of the passports of people considered to be a threat to the public order or national security. In addition, new measures had been adopted concerning traveller information (passenger name records) across different means of public transport, as well as investigation methods relating to Internet and electronic telecommunications, cryptocurrencies and the criminalization of incitement to terrorism and recruitment to terrorism. The action plan against radicalization had been updated in 2016. First-line prevention units had been established in many municipalities and regionally.

10. Since 2015, there had been as many as 300 judicial convictions for terrorist offences. More than 270 individuals had been included in the national terrorism list, resulting in asset freezes, in application of relevant Security Council resolutions.

Cambodia

11. As previously reported (A/72/111, para. 10), the secretariat of the National Counter-Terrorism Committee of Cambodia had carried out and fostered participation in many training activities at the domestic and international levels, and it had organized exercises aimed at strengthening response mechanisms in case of terrorist attack. The secretariat had also expanded its operations in relation to the prevention

of, and protection against, terrorism, including by coordinating new infrastructure projects aimed at monitoring radioactive materials in ports and airports.

12. As previously reported (A/72/111, para. 11), Cambodia had adopted a legal framework on counter-terrorism, comprising a number of constitutional and other provisions.

Cuba

13. Cuba was a party to 18 universal counter-terrorism instruments and complied strictly with the obligations arising from relevant Security Council resolutions. In the implementation of Council resolutions 1267 (1999), 1988 (2011), 1989 (2011) and 2253 (2015), the Ministry of Foreign Relations of Cuba systematically informed the Ministry of the Interior, the consulates and other competent authorities on the updates of the sanctions lists concerning terrorist organizations.

14. Cuba had signed 11 extradition treaties, 25 agreements on mutual assistance in criminal matters and 22 prisoner transfer agreements. As part of the Financial Action Task Force of Latin America, Cuba had signed 19 cooperation agreements with other countries on financial intelligence and it continued to participate in the Asset Recovery Network of the Task Force. In 2017, it had signed a memorandum of understanding with the United Nations Office on Drugs and Crime on the implementation of the Global Container Control Programme.

15. Cuba reiterated information previously provided on counter-terrorism measures taken at the national level, as well as on applicable domestic law and domestic convictions (A/72/111, para. 16). In 2016 and 2017, 809 reports of suspicious financial transactions had been received, 93 of which had led to reports to the competent authority for the determination of potential crimes.

16. Cuba had been the victim of hundreds of terrorist acts, which had claimed the lives of 3,478 persons and incapacitated 2,099. Cuba reiterated as correct the decision of the United States of America to remove Cuba from the list of sponsors of international terrorism.

Czechia

17. In 2017, Czechia had ratified the Council of Europe Convention on the Prevention of Terrorism of 2005 and the Additional Protocol thereto of 2015.

18. On 3 November 2017, a Czech citizen had been convicted of attempted support and promotion of terrorism and had been sentenced to seven months of imprisonment, with a conditional suspension of sentence, for publicly approving the 2016 terrorist attacks in Berlin and Ankara.

El Salvador

19. El Salvador reported that recent reforms had strengthened the role of the Financial Investigation Unit of the Office of the Attorney General as a primary actor in the prevention and detection of money-laundering and terrorism financing activities in the country.

20. In 2016 and 2017, 148 proceedings relating to incidents caused by terrorism, terrorist organizations or related activities had been reported.

Finland

21. A process of reform was continuing in Finland, aimed at fully implementing, at the national level, a new European Union directive on combating terrorism before 8 September 2018, as well as at implementing European Union Directive 2016/681

on the use of passenger name record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime.

22. At the time of reporting, no convictions had been rendered in Finland on terrorism-related crimes. On 18 August 2017, a knife attack had occurred in Turku, and the suspect had been charged with two counts of murder with terrorist intent and nine counts of attempted murder with terrorist intent; court proceedings had concluded in May 2018. In addition, the pre-trial investigations commenced in October 2014 in relation to four men suspected of terrorist offences had eventually led to an acquittal in January 2018 due to lack of evidence of terrorist intent.

23. The Finnish Security Intelligence Service had monitored some 370 individuals for counter-terrorism purposes. Some active members of radical Islamist networks with links to Finland had taken part in activities in conflict zones, while those operating in Finland had thus far focused on support activities and spreading ideology. Other investigations of reports of terrorist offences were continuing.

Germany

24. Together with other European Union member States, Germany had implemented relevant Security Council resolutions through several European Union instruments, including Council Decision (CFSP) 2016/1693, recently amended by Council Decision (CFSP) 2017/1560 amending Decision (CFSP) 2016/1693 concerning restrictive measures against Islamic State in Iraq and the Levant (ISIL) and Al-Qaida and persons, groups, undertakings and entities associated with them. The Decision provided for an embargo on arms and related materials, a ban on services relating to military activities, a travel ban and an asset freeze system. The corresponding implementing Council Regulation (EC) No. 881/2002, most recently amended by Commission Implementing Regulation (EU) 2018/50, imposed certain specific restrictive measures. A separate sanctions regime for the Taliban had also been established.

25. At the national level, Germany had adopted a set of measures to implement relevant Security Council resolutions. In particular, a ban on activities of ISIL had been in force since 12 September 2014, proscribing the promotion of ISIL, displaying symbols, providing any kind of support (obtaining money, materials) and recruiting fighters. Furthermore, under section 89 (a) of the Criminal Code, it was an offence to attend a terrorist training camp abroad. It was also an offence, under section 129 (b) of the Code, to be a member of or to support a foreign terrorist organization such as ISIL. Since June 2015, it had been a crime to travel with terrorist intent (section 89 (a)), to finance travel for terrorist purposes (section 89 (c)) and to finance terrorism more generally. Grounds had also been introduced in German law on which persons may be denied an identity card or have an existing identity card revoked so that they would not be entitled to travel abroad.

26. Germany recalled the terrorist attacks on a train near Würzburg on 18 July 2016, at a music festival in Ansbach on 24 July 2016 and at a Christmas market in Berlin on 19 December 2016, which had left 12 people dead and more than 60 injured. There had been two more terrorist attacks in 2016: on 16 April in Essen and on 26 February in Hannover. On 28 July 2017, an attack had been carried out against customers in a supermarket in Hamburg, in which one man was killed and five more were injured.

27. As at 5 March 2018, 149 investigative procedures had been continuing with regard to 215 individuals suspected of terrorist activities in the Syrian Arab Republic and Iraq. Since 2014, charges had been brought in 35 cases and judgments had been reached in 32 of them. In addition, 35 investigations were continuing with regard to 43 individuals accused, under the Code of Crimes against International Law, of

offences in the Syrian Arab Republic and Iraq; charges had been brought against suspects in five cases, three of which had reached a conclusion.

Greece

28. On 27 January 2016, Greece had signed the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, of 2015. In 2017, Greece had ratified the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism of 2005. At the bilateral and trilateral levels, Greece had established cooperation agreements with 30 countries, which had included cooperation in the fight against terrorism. Greece had also ratified a number of regional cooperation agreements, including the Black Sea Economic Cooperation Police Cooperation Agreement and the Third Additional Protocol thereto and the Convention of the South-East European Law Enforcement Centre.

29. European Union Directive 2017/541 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA, which, among other things, provides for a common definition of terrorist acts, was in the course of being implemented in Greece.

30. In 2017, 12 individuals had been arrested in Greece for terrorism-related offences.

Mexico

31. Mexico reported that its national institutions involved in counter-terrorism were members of the Comité Especializado de Alto Nivel en materia de Desarme, Terrorismo y Seguridad Internacionales, a national entity with policy coordination and capacity-building functions. Under the auspices of the Comité, several institutions had been involved in training activities and in the implementation of commitments made by Mexico at the international and regional levels.

32. In particular, the Secretariat of Defence had developed a national action plan to address terrorist threats and had conducted relevant inter-institutional training exercises. For its part, the Secretariat of Foreign Affairs was responsible for transmitting to the relevant national counter-terrorism authorities updates to the Consolidated United Nations Security Council Sanctions List. In addition, the financial intelligence unit of the Secretariat of Finance and Public Credit complied with article 2, paragraphs 1 and 3, of the International Convention for the Suppression of the Financing of Terrorism and with the international standards issued by the Financial Action Task Force.

33. Within the framework of the Egmont Group, the financial intelligence unit had shared information with 155 units in various Member countries in order to facilitate and safeguard channels for sharing intelligence information in connection with the financing of terrorism, money-laundering and related crimes. In order to bolster a broad network that would allow it to share information securely with its counterparts, the unit had signed memorandums of understanding with 41 jurisdictions, as well as a regional memorandum with member countries of the Financial Action Task Force of Latin America. The Secretariat of the Interior, through the National Security Commission and the federal police force, coordinated the work of seven police divisions responsible for preventing, combating and investigating crime, including terrorism.

Russian Federation

34. In 2017, the Russian Federation had signed seven cooperation agreements on countering the financing of terrorism, with the State Bank of Viet Nam, and with the financial intelligence units of Ecuador, Panama, Peru, Slovenia, South Africa and Vanuatu, as well as one memorandum, with the financial intelligence unit of Hong Kong. More generally, the Russian Federation had continued its significant cooperation on counter-terrorism-related issues at the international and regional levels. In 2017, more than 30 requests for legal assistance relating to terrorist offences had been forwarded to the competent authorities of foreign States, six of which involved the financing of terrorism. In the same period, the Russian Federation had acceded to more than 40 such requests from foreign countries, the greatest number of which had been received from Ukraine. Furthermore, the international counter-terrorism database created by the Russian Federation pursuant to Security Council resolution 1373 (2001) had been joined by 37 foreign special services from 30 African, Asian and European States, as well as six international organizations. With regard to the financing of terrorism, the Russian Federation had continued its participation in the Financial Action Task Force, the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism, and the Eurasian Group on Combating Money Laundering and Financing of Terrorism.

35. On 17 April 2017, Decree No. 170 of the President of the Russian Federation was issued to implement the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 22 January 1993 and the Protocol thereto of 28 March 1997. The Decree was aimed at decentralizing international cooperation in the area of law enforcement, as well as at optimizing procedures and reducing the time taken to complete requests for legal assistance in criminal cases. In accordance with the Decree, the investigative bodies of the constituent entities of the Russian Federation and related specialized investigative bodies, including military bodies, of the Investigative Committee had been empowered to cooperate directly with the competent authorities of States parties to the aforementioned Convention and Protocol. Legislative measures had also been introduced for the protection of persons engaged in counter-terrorism, including judges and law enforcement officials. In addition, through Federal Act No. 445-FZ of 29 December 2017, the Criminal Code had been amended to improve counter-terrorism measures so that the severity of penalties for terrorism financing was now determined on the basis of the danger posed to society.

36. Since 2017, the capacity of the Inter-Agency Commission on Preventing the Financing of Terrorism had been harnessed to close the Russian financial environment to infiltration by foreign terrorists. Central to that initiative had been lessons learned from freezing the assets and transactions of 76 Kyrgyz nationals and 122 Kazakh nationals engaged in ISIL activities on the basis of relevant information received from those countries. On 19 other occasions since 2017, a new tool had been employed jointly by the Inter-Agency Commission and law enforcement agencies that enabled the prompt suspension of bank transactions for up to 35 days on the basis of the financial details of persons involved in terrorist activities.

37. There had been a significant downward trend in the number of criminal cases involving terrorism-related offences committed on Russian soil. In 2017, 1,871 terrorism offences had been reported, a decrease from the 2,227 offences reported in 2016. Nevertheless, the number of criminal cases brought against Russians for involvement in terrorist activities outside the Russian Federation had remained high.

38. In 2017, more than 2,000 websites containing extremist material had been blocked and 60,000 web resources that included illegal information had been removed. As part of the countermeasures taken in 2017 in response to extremist

information, 4,500 publications containing counter narratives had been disseminated online.

San Marino

39. San Marino reported that it was a party to 16 universal, 6 regional and 4 bilateral (with Italy and the United States of America) instruments relating to international terrorism, as well as to the United Nations Convention against Transnational Organized Crime of 2000 and the two Protocols thereto. San Marino had also concluded a number of bilateral extradition treaties, with the United Kingdom of Great Britain and Northern Ireland in 1899, with the Netherlands in 1902, with Belgium in 1903, with the United States of America in 1906, with France in 1926, with Italy in 1939 and with Lesotho in 1971. San Marino had recently signed the European Convention on Offences relating to Cultural Property of 2017.

40. San Marino reiterated information that it had previously provided concerning its counter-terrorism legal framework, in particular its Law No. 92 of 2008 (see A/64/161, paras. 84–88). In December 2017, that law had been amended in the light of the fourth European Union directive concerning the prevention of money-laundering. The financial intelligence unit of San Marino was a member of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism and of the Egmont Group and had signed cooperation agreements with 54 other financial intelligence units throughout the world. Furthermore, San Marino had regularly implemented Security Council resolutions imposing sanctions, including asset freezes, travel bans and arms embargoes, on individuals, groups or entities that posed serious threats to international peace and security, and it had disseminated amendments to sanctions lists without delay through a dedicated section of the website of the Ministry of Foreign Affairs.

41. Following the ratification of a number of international conventions concerning extradition, article 8 of the Criminal Code had been amended, and it now established that in no case should the offences provided for in article 337 bis (associations aimed at committing actions for the purpose of terrorism) and article 337 ter (financing of terrorism), as well as the offences committed for the purpose of terrorism or subversion of the constitutional order, be regarded as political offences (non-extraditable offences). Furthermore, the National Central Bureau, established as a focal point of cooperation under the auspices of the International Criminal Police Organization, had acquired certain functions over time relating to counter-terrorism, including issues concerning foreign terrorist fighters and terrorism financing. The National Central Bureau had also implemented the relevant bilateral cooperation agreements with Italy and the United States of America.

42. San Marino had never been the site of terrorist attacks or of the planning thereof, and no individual, group or entity affiliated with or involved in any manner with terrorist groups had ever been identified in San Marino. There had never been any criminal prosecutions or sentencing for terrorism or incidents caused by international terrorism in San Marino.

Serbia

43. Serbia reported that it was a party to 15 universal, 6 regional and, with Austria in 2004, Romania in 2007, Italy in 2008, Cyprus in 2009, Israel in 2009, Albania in 2011, Turkey in 2011 and Germany in 2016, 8 bilateral instruments relating to international terrorism.

44. Serbia reiterated information that it had previously provided on its national legal and enforcement framework on counter-terrorism (see A/72/111, para. 51). A number of amendments to the Criminal Code and other criminal provisions had been adopted

in recent years. In December 2017, a law of 2015 on the limitation of property disposal aimed at preventing terrorism had been amended with respect to the implementation of the list of designated persons of the Security Council and other international organizations, as well as the designation procedure. A In addition, a law on the prevention of money laundering and the financing of terrorism had been adopted in December 2017.

45. At least 28 Serbian nationals born between 1962 and 1998 had been identified as foreign terrorist fighters in the Syrian Arab Republic and/or Iraq, 11 of them women. In addition, four Serbian nationals had been arrested in connection with criminal offences relating to terrorism. On 4 April 2018, the Special Chamber of the Higher Court of Belgrade had convicted seven persons of terrorist association, under article 393 (a), para. 1, of the Criminal Code; in conjunction with terrorism, under article 391, para. 1, of the Criminal Code. Of that number, six had also been found guilty of recruitment and training for the commission of terrorist acts, under article 191 (b), para. 1, of the Criminal Code; and four had been found guilty of financing of terrorism, under article 193, para. 1, of the Criminal Code. In addition, one had been found guilty of incitement to the commission of terrorist acts, under article 191 (a) of the Criminal Code. Three of the defendants had been sentenced to 11 years each in prison, one to 10 years in prison, two to 9 years and 6 months in prison and one to 7 years and 6 months in prison.

Switzerland

46. Switzerland reiterated information concerning its ratification of international and regional instruments, as reported previously, and noted that the Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft had entered into force in January 2018 (see A/71/182/Add.2, para. 1).

47. Amendments to the national law on intelligence services had come into effect in September 2017 (ibid., para. 2, and A/72/111, para. 57). According to article 74, paragraph 1 of that law, the Swiss Federal Council was empowered to issue a ban on groups or organizations directly or indirectly spreading, supporting or promoting terrorist activities or violent extremism and thus threatening internal or external security. Article 74, paragraph 4 of the same law proscribed the act of joining or supporting a group or organization that had been banned under paragraph 1. Furthermore, a new law on mail and telecommunications surveillance had come into force in March 2018, enhancing surveillance capabilities in criminal proceedings in the light of new technology. Further legislative changes were currently being planned.

48. Incidents reported in 2016 and 2017, including the kidnapping of a Swiss woman in January 2016, had not yet been resolved (see A/71/182/Add.2, para. 3, and A/72/111, para. 58). Investigations by the Swiss police on the kidnapping of a French humanitarian worker employed by a Swiss organization had been concluded in June 2017 after consultation with France (see A/72/111, para. 58).

49. In application of the new law on intelligence services, two counter-terrorism operations had been launched between September and the end of December 2017, consisting of various measures authorized by the Federal Administrative Court and by relevant political authorities. At the end of 2017, the intelligence service had identified around 90 persons constituting a high threat to internal and external security because of their support for or encouragement of terrorism. Among them were foreign terrorist fighters. In that regard, between 2001 and 2017, 93 persons had reached relevant conflict zones from Switzerland. In addition, the intelligence service had identified 550 persons who had disseminated terrorist propaganda over the Internet.

50. In 2017, financial intermediaries had communicated 51 cases of presumed financing of terrorism to the competent authorities on money-laundering, a marked

increase from the 25 cases of the previous year. Seventeen of the 51 communications had led to transmission to the competent authorities for criminal prosecution. While five cases had already been the object of a decision by the prosecuting authorities not to proceed any further, the others were still being evaluated.

51. In 2017, the Swiss federal police and the Federal Prosecutor's office had investigated more than 70 persons in relation to terrorist activities, including the dissemination of terrorist propaganda on the Internet, recruitment activities, potential links with terrorist attacks conducted in Europe, the financing of terrorism and activities linked to foreign terrorist fighters.

52. In February 2017, the Federal Prosecutor's office had issued a criminal order of six months of imprisonment with two years of probation against a person who had committed crimes relating to terrorism, among others. In December 2017, a Swiss woman who had attempted to join Islamic State in Iraq and the Levant in the Syrian Arab Republic through Turkey and Greece had been convicted to 18 months of imprisonment, consisting of 6 months of imprisonment plus a suspended sentence of 12 months on a three-year probation, by the Federal Criminal Court. The federal prosecution service had also issued criminal orders against three persons for terrorist propaganda, and the Federal Criminal Court had issued a judgment against one person for attempted support of a terrorist organization. In June 2018, criminal proceedings were still ongoing in relation to individuals suspected of supporting an ethnonationalist group (see A/71/182/Add.2, para. 5, and A/72/111, para. 60); other proceedings were ongoing concerning cases of terrorist propaganda. Three Iraqi citizens who had been convicted of terrorism-related offences in March 2016 and then freed upon appeal in March 2017 (see A/72/111, para. 60) were still the object of administrative surveillance measures and their order to leave the country had not yet been executed.

53. In 2017 and as at May 2018, 25 requests for judicial cooperation in relation to terrorism had been received from other States, 8 of which had been executed, 1 suspended, 4 rejected and 12 were in progress. In the same period, Swiss authorities had sent 33 requests for judicial cooperation to other countries, 2 of which had been executed and 1 refused. Switzerland had also received several extradition requests, some of which had been complied with.

Turkey

54. On 1 June 2018, the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism had entered into force with respect to Turkey. Turkey had participated in various counter-terrorism initiatives at the global and regional levels. In 2017, Turkey had also signed bilateral cooperation agreements and extradition agreements applicable to terrorism-related offences with a number of other States, including Bosnia and Herzegovina, China, Georgia, Qatar and the Russian Federation. Furthermore, agreements on cooperation in the field of security had been signed with Costa Rica, Indonesia, the Sudan and Venezuela (Bolivarian Republic of).

55. New legislation had been introduced allowing the suspension of bank transactions for up to 30 days in order to investigate cases of money-laundering or financing of terrorism. Furthermore, the trial of terrorism-related offences had been centralized at the governorship level.

56. Several foreign nationals had been detained on suspicion of being involved in terrorist activities in conflict zones. Approximately 11,300 persons had been detained, including 5,504 foreign nationals, and 3,766 persons had been arrested based on their connection with Daesh (ISIL), Al-Qaida and/or the Nusrah Front. Since 2011, more than 63,700 persons had been included in a no-entry list, 22,000 persons had been

assessed by a risk analysis unit, 13,000 persons had been interviewed and more than 6,000 foreigners had been denied entry. On 15 February 2018, Ismail Alwaan al-Ithawi, a collaborator of one of the leaders of Daesh, had been apprehended in Sakarya and deported to Iraq.

Ukraine

57. Ukraine was a party to 17 international conventions and protocols governing various aspects of counter-terrorism. The Government had also signed over 165 inter-State and intergovernmental agreements and protocols in this field. Security Council resolution 2341 (2017), on the protection of critical infrastructure from terrorist threats, had been adopted at the initiative of Ukraine during its presidency of the Council.

58. In application of relevant obligations under international law, Ukraine had amended its Criminal Code to include as crimes, among others, the commission of terrorist acts (art. 258), involvement in the commission of terrorist acts (ibid., para. 1), public incitement to commit terrorist acts (ibid., para. 2), the establishment of a terrorist group or organization (ibid., para. 3), aiding and abetting the commission of a terrorist act (ibid., para. 4) and the financing of terrorism (ibid., para. 5).

59. A trend recorded in Ukraine throughout 2017 was that increasing numbers of foreign terrorist fighters were returning from the Syrian Arab Republic and Iraq after taking part in combat operations with ISIL or receiving training therefrom. While some of those returning fighters had attempted to go to other countries, the majority had settled in Ukraine and resorted to establishing organized criminal groups that specialized in committing violent crimes, such as kidnapping, robbery, extortion or looting, or setting up logistical networks and financing mechanisms abroad for ISIL.

B. Information received from international organizations

International Civil Aviation Organization[2]

60. As at 30 April 2017, there were 186 parties to the Convention on Offences and Certain Other Acts Committed on Board Aircraft; 185 parties to the Convention for the Suppression of Unlawful Seizure of Aircraft; 188 parties to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation; 174 parties to the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation; and 154 parties to the Convention on the Marking of Plastic Explosives for the Purpose of Detection. The Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation and the Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft had been ratified by 18 States and acceded to by 15 States. The Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft, adopted in 2014, inter alia, extended jurisdiction for offences committed on board civil aircraft to the State of landing and the State of the operator of the aircraft. It had been signed by 30 States and ratified or acceded to by eight States. In addition, Security Council resolution 2309 (2016), on countering terrorist threats to civil aviation, had been an important tool for the Organization and member States in aligning and adjusting aviation security priorities. The Organization assisted member

[2] Information summarized here was received by the Secretariat after the deadline set in relation to the previous reporting cycle (2017) and could not be included in the previous report (see A/72/111, para. 2). See www.icao.int/Secretariat/Legal/Pages/TreatyCollection.aspx for updated information on the status of ratifications to the treaties mentioned.

States in the implementation of that and all other relevant Security Council resolutions and international legal instruments.

61. In 2016, nine acts of unlawful interference with international civil aviation had been recorded by the Organization in a secure database accessible to member States. Those incidents included five attacks on facilities, two acts of sabotage and two unlawful seizures of aircraft. The problem of vulnerability on the landside of airports had been made evident by the attacks at the Brussels Airport in Belgium on 22 March 2016, the Istanbul Atatürk airport in Turkey on 28 June 2016 and the Fort Lauderdale-Hollywood International Airport in the United States of America on 6 January 2017.

Food and Agriculture Organization of the United Nations

62. The Food and Agriculture Organization of the United Nations reported that it provided support to its member States in strengthening biosecurity, food safety, plant protection and animal health legislation, as well as legislation related to antimicrobial resistance. The legislation on antimicrobial resistance might contain measures against the illicit and unlawful procurement, transport and use of biological, chemical or radiological substances and materials, within the context of the agriculture and food sectors, which could decrease the likelihood of such substances and materials being deployed in a chemical or biological weapons attack. These substances and materials included vaccines, disease samples, pests and other safety hazards that might have some connection with bioterrorism.

International Atomic Energy Agency

63. The International Atomic Energy Agency reported that, as at 25 May 2018, there were 156 parties to the Convention on the Physical Protection of Nuclear Material and 116 parties to the Amendment to the Convention on the Physical Protection of Nuclear Material.

64. At its sixty-first regular session, in September 2017, the General Conference of the Agency adopted resolution GC(61)/RES/9, on nuclear security, in which it encouraged, inter alia, all parties to the Convention and its Amendment to fully implement their obligations thereunder, encouraged States that had not yet done so to become parties to the Convention and its Amendment, and encouraged the Agency to continue efforts to promote further adherence to the Amendment.

65. A technical meeting of representatives of States parties to the Convention and its Amendment had been held on 9 and 10 November 2017 at the headquarters of the Agency in Vienna. The participants had discussed matters such as efforts towards the universalization as well as the full implementation of the Amendment through the development and strengthening of the legislative and regulatory framework for nuclear security of member States, as well as improvements to the mechanisms for information-sharing.

Council of Europe

66. The European Convention on Offences relating to Cultural Property had been opened for signature on 19 May 2017. It aimed to prevent the illicit trafficking and destruction of cultural property as part of the action by the Council of Europe to fight terrorism and organized crime. The Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism had entered into force on 1 July 2017. As at 1 June 2018, it had been ratified by 12 States and had 29 more signatures pending ratification. The Protocol was designed to address the criminal law aspects of the phenomenon of foreign terrorist fighters and returnees. It established as a criminal offence acts such as participating in an association or a group for the purpose of terrorism, receiving terrorism training, travelling abroad for the purpose of terrorism

and financing or otherwise assisting such travel. In particular, Article 7 of the Protocol required the States parties to designate points of contact, available on a 24-hour, seven-days-a-week basis, for the exchange of any available relevant information concerning persons travelling abroad for the purpose of terrorism. As at 1 June 2018, 46 points of contact had been designated.

67. On 4 April 2018, Recommendation CM/Rec(2018)6 of the Committee of Ministers to member States on terrorists acting alone had been adopted. The text comprised chapters on the scope and definition of the phenomenon of terrorists acting alone, human rights safeguards, the prevention of radicalization, detection and interception, disengagement and deradicalization, the role of civil society and the private sector, as well as coordination within States and cooperation between States. On 5 July 2017, Recommendation CM/Rec(2017)6 of the Committee of Ministers to member States on "special investigation techniques" in relation to serious crimes including acts of terrorism had been adopted; it took into account the development of computer and Internet technology, notably by introducing definitions of "cyber investigation" and "financial investigation". On 17 February 2017, the Committee of Ministers had also approved the "Council of Europe handbook for prison and probation services regarding radicalisation and violent extremism".

68. The European Court of Human Rights produced a regularly updated factsheet summarizing the Court cases relevant to counter-terrorism, the latest edition of which could be accessed online (www.echr.coe.int/Documents/FS_Terrorism_ENG.pdf).

Organization of American States

69. As at May 2018, the Inter-American Convention against Terrorism had been signed by 33 member States of the Organization of American States and had been ratified by 24. The Inter-American Committee against Terrorism had undertaken a number of capacity-building and technical assistance and cooperation projects in this field.

70. In April 2018, States members of the Committee had adopted a declaration on "Strengthening national financial systems through international cooperation and information-sharing as a means to prevent terrorism and the proliferation of weapons of mass destruction", in which member States had recognized that in order to "effectively combat all forms and manifestations of terrorism and the proliferation and illicit trafficking of weapons of mass destruction, member States should bolster their financial systems by adopting and making use of measures to prevent, detect and suppress the movement and use of funds by terrorists and terrorist organizations".

III. International legal instruments relating to the prevention and suppression of international terrorism

71. Currently, there are 52 instruments pertaining to international terrorism. Of those, 19 are universal and 33 are regional.

A. Universal instruments

United Nations

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973

International Convention against the Taking of Hostages, 1979

International Convention for the Suppression of Terrorist Bombings, 1997

International Convention for the Suppression of the Financing of Terrorism, 1999

International Convention for the Suppression of Acts of Nuclear Terrorism, 2005

International Atomic Energy Agency

Convention on the Physical Protection of Nuclear Material, 1979

Amendment to the Convention on the Physical Protection of Nuclear Material, 2005

International Civil Aviation Organization

Convention on Offences and Certain Other Acts Committed on Board Aircraft, 1963

Convention for the Suppression of Unlawful Seizure of Aircraft, 1970

Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft, 2010

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1988

Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1991

Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, 2010

Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft, 2014

International Maritime Organization

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988

2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988

2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf

B. Regional instruments

African Union

Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism, 1999

Protocol to the OAU Convention on the Prevention and Combating of Terrorism, 2004

Association of Southeast Asian Nations

Association of Southeast Asian Nations Convention on Counter-Terrorism, 2007

Central African Economic and Monetary Community

Regulation No. 08/05-UEAC-057-CM-13 on the adoption of the Convention on the fight against terrorism in Central Africa, 2005

Collective Security Treaty Organization

Agreement on collective forces of rapid response of the Collective Security Treaty Organization, 2009

Commonwealth of Independent States

Treaty on Cooperation among the States Members of the Commonwealth of Independent States in Combating Terrorism, 1999

Protocol on the approval of the Regulations on the organization and conduct of joint anti-terrorist operations in the territories of States members of the Commonwealth of Independent States, 2002

Treaty of States Members of the Commonwealth of Independent States on Combating the Legalization (Laundering) of Proceeds from Crime and the Financing of Terrorism, 2007

Cooperation Council for the Arab States of the Gulf

Convention of the Cooperation Council for the Arab States of the Gulf on Combating Terrorism, 2004

Council of Europe

European Convention on the Suppression of Terrorism, 1977

Protocol amending the European Convention on the Suppression of Terrorism, 2003

Council of Europe Convention on the Prevention of Terrorism, 2005

Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, 2005

Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, 2015

European Convention on Offences relating to Cultural Property, 2017

Eurasian Group on Combating Money Laundering and Financing of Terrorism

Agreement on the Eurasian Group on Combating Money Laundering and Financing of Terrorism, 2011

European Union

Convention between the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Austria on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration, 2005

League of Arab States

Arab Convention on the Suppression of Terrorism, 1998

Amendment of 2008 to the Arab Convention on the Suppression of Terrorism

Arab Convention on Combating Money-Laundering and the Financing of Terrorism, 2010

Organization of American States

Convention to prevent and punish the acts of terrorism taking the form of crimes against persons and related extortion that are of international significance, 1971

Inter-American Convention against Terrorism, 2002

Organization of the Black Sea Economic Cooperation

Additional Protocol on Combating Terrorism to the Agreement among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in particular in Its Organized Forms, 2004

Organization of Islamic Cooperation

Convention of the Organization of the Islamic Conference on Combating International Terrorism, 1999

Shanghai Cooperation Organization

Shanghai Convention on Combating Terrorism, Separatism and Extremism, 2001

Agreement on the procedure for organizing and conducting joint anti-terrorist measures in the territories of the States members of the Shanghai Cooperation Organization, 2006

Agreement on cooperation in identifying and blocking the entry routes to Shanghai Cooperation Organization member States of persons involved in terrorist, separatist and extremist activities, 2006

Agreement on the procedure for organizing and conducting joint counter-terrorism exercises by Shanghai Cooperation Organization member States, 2008

Agreement on cooperation among the Governments of the Shanghai Cooperation Organization member States in combating the illicit traffic in weapons, ammunition and explosives, 2008

Agreement on the Training of Personnel for Anti-Terrorist Units of the States Member of the Shanghai Cooperation Organization, 2009

Shanghai Cooperation Organization Convention against Terrorism, 2009

South Asian Association for Regional Cooperation (SAARC)

South Asian Association for Regional Cooperation Regional Convention on Suppression of Terrorism, 1987

Additional Protocol to the SAARC Regional Convention on Suppression of Terrorism, 2004

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United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific

Report of the Secretary-General

Summary

The present report provides an overview of the activities undertaken by the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific during the period from 1 July 2017 to 30 June 2018.

During the reporting period, the Regional Centre promoted the universalization and implementation of multilateral disarmament, non-proliferation and arms control instruments, providing capacity-building programmes for Member States in the Asia-Pacific region upon their request. In the framework of the preparation for the third United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, the Centre organized regional seminars and practical training sessions aimed at strengthening reporting to the Programme of Action, identifying new approaches to address challenges caused by illicit flows of small arms and light weapons, other conventional arms and their ammunition, and enabling States to address these challenges. The Centre also conducted several regional workshops and national inter-agency meetings to enhance the capacity of Member States to implement Security Council resolution 1540 (2004), including in cooperation with the Organization for Security and Cooperation in Europe.

The Regional Centre continued to promote dialogue and confidence-building in the region and beyond by organizing the sixteenth United Nations-Republic of Korea Joint Conference on Disarmament and Non-Proliferation Issues, held on Jeju Island, Republic of Korea, and the twenty-seventh United Nations Conference on Disarmament Issues, held in Hiroshima, Japan. The conferences served as important forums to address key challenges posed to the international disarmament, non-proliferation and security regimes regarding weapons of mass destruction. Participants focused on prospects and ways ahead towards a world free of nuclear

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weapons, including on reaching a better understanding of the mutual complementarity and reinforcing nature of the Treaty on the Non-Proliferation of Nuclear Weapons and the Treaty on the Prohibition of Nuclear Weapons; on strengthening the physical security of stockpiles and the control and verification of chemical, biological, radiological and nuclear materials and technologies that could be used to manufacture weapons of mass destruction; and on cybersecurity and other technological advances and the challenges they pose to peace and security.

The Regional Centre depends solely on voluntary financial contributions to implement its programme activities. The Secretary-General wishes to express his gratitude to Member States, in particular the host country, Nepal, and other partners that have provided support for the Centre's operations and programmes with financial and in-kind assistance. He calls upon countries in the region and beyond to make voluntary contributions to the Centre to ensure the sustainability of its activities and operations and to enable it to fulfil the mandate entrusted to it by the General Assembly.

I. Introduction

1. Pursuant to General Assembly resolution 42/39 D, the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific is mandated to provide, upon request, substantive support for initiatives and other activities mutually agreed upon by Member States in Asia and the Pacific for the implementation of measures for peace and disarmament through the appropriate utilization of available resources.

2. In its resolution 72/62, the General Assembly expressed its satisfaction at the activities carried out in the past year by the Regional Centre and reaffirmed its strong support for the role of the Centre in the promotion of activities of the United Nations at the regional level to strengthen peace, stability and security among the Member States in Asia and the Pacific. It also expressed its gratitude to the Government of the host country, Nepal, for its cooperation and financial support. The Assembly requested the Secretary-General to report to the Assembly at its seventy-third session on the implementation of the resolution.

3. The present report is submitted pursuant to the above-mentioned request and covers the activities of the Regional Centre during the period from 1 July 2017 to 30 June 2018. A financial statement on the status of the trust fund for the Regional Centre for the second year of the biennium 2016–2017 is contained in the annex to the present report.

II. Activities of the Regional Centre

4. During the reporting period, the Regional Centre focused its programmatic activities on the following areas: promoting the implementation of global disarmament, non-proliferation and arms control instruments, including by providing capacity-building and technical and legal assistance to Member States in the region, upon their request; enhancing dialogue and confidence-building in the areas of disarmament, non-proliferation and regional security; and undertaking outreach and advocacy initiatives.

A. Promoting the implementation of global disarmament and non-proliferation instruments

Non-proliferation of weapons of mass destruction

5. The Regional Centre continued implementing activities, in cooperation with the Organization for Security and Cooperation in Europe (OSCE) and the group of experts appointed to assist the Security Council Committee established pursuant to resolution 1540 (2004), for the joint project in support of regional implementation of Security Council resolution 1540 (2004). In advancing the aims of the project in Central Asia and Mongolia, efforts focused on developing and implementing national action plans, enhancing States' reporting to the Committee, broadening collaboration among international and regional actors and sharing effective national practices. Activities included: (a) facilitating country-specific dialogues to assess the status of the implementation of resolution 1540 (2004) and assisting in developing national implementation action plans; (b) reviewing and evaluating progress in executing national action plans; and (c) organizing peer-review meetings to share experiences and effective practices among States on the implementation of the resolution.

6. In the framework of the joint project, the Regional Centre organized three national inter-agency round-table meetings to promote the implementation of resolution 1540 (2004). The meetings were held in Tajikistan in June 2017 and in

Turkmenistan in June 2017 and January 2018. The meetings brought together officials of relevant State agencies of the respective Governments to review the progress achieved and outline a road map to further update and develop national action plans. Measures proposed at the meetings included the enhancement of national legislation, the adoption of national control lists, the strengthening and enforcement of domestic control mechanisms and the provision of training and educational activities related to ensuring the safety and security of chemical, biological, radiological and nuclear materials.

7. As a follow-up to the national round-table meetings, the Regional Centre organized two expert review events in Vienna in September 2017 for Mongolia and Tajikistan in order to assess the progress made by the two countries in developing and implementing their national action plans. At those events, Tajikistan reported on the status of its national action plan and Mongolia presented the first draft of its plan. Their representatives held discussions with international experts and received recommendations from them on effective international practices, as well as challenges and lessons learned relating to the implementation of their plans. The status of the Mongolian and Tajik national action plans was also reported at the plenary meeting of the OSCE Forum for Security Cooperation.

8. Within the framework of the joint project, a peer review on the implementation of resolution 1540 (2004) was held in Dushanbe in August 2017, with the participation of national experts from Belarus, Kyrgyzstan and Tajikistan. The three-day meeting served as a follow-up to the previous round of the peer review held in Belarus in 2016. Participating experts from the Member States discussed and exchanged national experiences and approaches to implementing the operative paragraphs of the resolution by taking into account recommendations agreed upon during their previous peer-review meeting, including on policymaking, the development of legislative frameworks, enforcement procedures and effective practices, as set out in the respective national action plans of the three States. They paid special attention to export-control legislation and border controls, with a specific focus on biological and chemical security. Representatives of the group of experts appointed to assist the Security Council Committee established pursuant to resolution 1540 (2004), the Regional Centre and the OSCE secretariat shared practical recommendations regarding legislative and technical elements of resolution 1540 (2004) focused on supporting the national action plans of Kyrgyzstan and Tajikistan.

9. The Regional Centre completed the project in January 2018, accomplishing its goal of strengthening national implementation of resolution 1540 (2004) and promoting regional cooperation among States in the region, on the basis of knowledge- and experience-sharing, and with the support of experts from the Committee and other international organizations. Tajikistan developed its national action plan and submitted it to the Committee. Kyrgyzstan and Uzbekistan updated their national action plans and also submitted them to the Committee. Mongolia and Turkmenistan made substantial progress in developing their national action plans.

10. In September 2017 the Regional Centre, in cooperation with the Government of Thailand, organized a subregional workshop in Bangkok on global challenges and regional efforts concerning the implementation of resolution 1540 (2004) in South-East Asia. Almost 50 national officials engaged in discussions on the progress and challenges relating to the implementation of the resolution, both among themselves and with international experts from the Office for Disarmament Affairs, the Committee, the United Nations Office on Drugs and Crime (UNODC) and the United Nations Interregional Crime and Justice Research Institute. The participants focused on synergies from implementing the resolution, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention) and the Convention on the

Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (Biological Weapons Convention). They discussed issues regarding the safety and security of chemical, biological, radiological and nuclear materials, export and border controls, as well as the protection and transfer of intangible technologies. United Nations experts highlighted the objectives, recommendations and effective practices for developing national action plans to implement the resolution and presented a case study of the successful implementation of the project in support of regional implementation of the resolution in Central Asia and Mongolia. The workshop was funded by the Governments of Australia and Austria.

11. The Regional Centre, in cooperation with the Committee, organized and held a national round-table meeting in Timor-Leste in October 2017 to strengthen the country's capacity to implement resolution 1540 (2004). The meeting was aimed at raising awareness among national officials of the relevance of the resolution and the provisions and obligations set out therein, and specifically at assisting Timor-Leste in preparing its first national report on the steps it had taken, or intended to take, in this regard, as called for by the Security Council. The meeting resulted in Timor-Leste submitting its first national report to the Committee. The event was funded by the Government of Japan.

Small arms and light weapons

12. In order to build the capacity of Central Asian States to implement the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, the Regional Centre organized a training session hosted by the Government of Mongolia in Ulaanbaatar in August 2017. Participants from States of the region presented and discussed practical issues with regard to the implementation of the Programme of Action at the national level and the utilization of the International Small Arms Control Standards. In their presentations, the representatives of the Centre and of the Office for Disarmament Affairs paid special attention to the synergies between implementing the Programme of Action and reporting thereon in the context of its framework, on the one hand, and monitoring progress towards targets 16.1 and 16.4 of the Sustainable Development Goals, on the other. A representative of the OSCE secretariat presented an online reporting tool developed in cooperation with the Office for Disarmament Affairs that was aimed at harmonizing reporting on regional and global mechanisms and reducing the reporting burden for Member States that are also participating OSCE participating States. Two practical exercises, on designing a national action plan and on preparing online national reports on the implementation of the Programme of Action, constituted the central part of the event and served to build the capacity of national representatives in the use of the International Small Arms Control Standards assessment tool and the preparation of the report. The project was funded by the United Nations Trust Facility Supporting Cooperation on Arms Regulation.

13. The Regional Centre, in cooperation with the Government of Cambodia, organized a regional seminar in Phnom Penh in December 2017 for member States of the Association of Southeast Asian Nations (ASEAN)and Timor-Leste on illicit trafficking and the diversion of small arms and light weapons, conventiona! arms and ammunition. The seminar was organized in response to requests by South-East Asian States and was aimed at facilitating regional dialogue to identify the main trends, sources and challenges related to increasing flows of illicit arms and ammunition in the region; and at strengthening subregional cooperation and coordination in preventing arms diversion and trafficking. Representatives of national ministries and law-enforcement agencies, the ASEAN Association of Chiefs of Police and non-governmental organizations emphasized the need to consolidate efforts to

effectively address the challenges posed by illicit arms. In particular, efforts included closer cooperation with such international law-enforcement agencies as the World Customs Organization and the International Criminal Police Organization (INTERPOL), and a regional action plan to prevent arms diversion and to tackle illicit arms trafficking. The project was funded by the Government of Germany.

14. In the framework of the preparation for the third United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, the Regional Centre, in cooperation with the Conventional Arms Branch of the Office for Disarmament Affairs, organized a subregional meeting of Asian States in Bangkok on 7 and 8 March 2018. Representatives of Governments, the ASEAN Association of Chiefs of Police and the Small Arms Survey took part in a discussion on the current national and regional status of the implementation of the Programme of Action and its corresponding challenges, as well as the outcomes of four preceding thematic symposiums. Attention was primarily given to the issues of: (a) the interrelationship between the 2030 Agenda for Sustainable Development and gender aspects of small arms control; (b) developments in small arms manufacturing technology and design, and the resulting challenges and opportunities for the implementation of the Programme of Action and the International Tracing Instrument; (c) small arms tracing and stockpile management; and (d) synergy between the Programme of Action, the Arms Trade Treaty and other relevant agreements. The project was funded by the European Union.

B. Promoting dialogue and confidence in the areas of disarmament, non-proliferation and security

15. The Regional Centre, in collaboration with the Governments of Japan and the Republic of Korea, organized two annual international conferences on disarmament, non-proliferation and security issues. The conferences served as important forums for engaging Member States, intergovernmental organizations, academia, civil society and other stakeholders in informal and frank discussions on key challenges in the areas of disarmament, non-proliferation and arms control, thereby contributing to security, confidence-building and efforts to seek solutions to complex issues in such matters, both globally and in the Asia-Pacific region.

16. In cooperation with the Ministry of Foreign Affairs of the Republic of Korea, the Centre organized the sixteenth United Nations-Republic of Korea Joint Conference on Disarmament and Non-Proliferation Issues, held on Jeju Island, Republic of Korea, on 16 and 17 November 2017. Over 60 representatives from Governments, intergovernmental organizations, policy institutes and academia participated in the Conference.

17. The four sessions of the Conference addressed: (a) regional and global developments in disarmament and non-proliferation; (b) technological advances and their challenges with respect to peace and security; (c) strengthening chemical, biological, radiological and nuclear materials verification and control; and (d) pathways for the denuclearization of the Democratic People's Republic of Korea. Participants discussed a range of dual-use technological advances that could pose challenges to peace and security, including artificial intelligence, lethal autonomous weapon systems, cyberspace, 3D printing and armed unmanned aerial vehicles. Experts also broadened the discussion by looking at the possibility of applying new technologies for the verification and control of biological and nuclear weapons programmes. The importance of developing trust among stakeholders was

emphasized in the discussions, including regarding pathways towards the denuclearization of the Democratic People's Republic of Korea.

18. In cooperation with the Ministry of Foreign Affairs of Japan and with the support of the Prefecture and City of Hiroshima, the Regional Centre organized the twenty-seventh United Nations Conference on Disarmament Issues, held in Hiroshima on 29 and 30 November 2017, on the theme "Towards realizing a world free of nuclear weapons: paving the way to achieve the common goal". The Conference brought together over 80 representatives from Governments, as well as experts from research institutes, academia and non-governmental and civil society organizations, to reflect on the prospects for nuclear disarmament and non-proliferation. The discussion took into account the recent adoption of the Treaty on the Prohibition of Nuclear Weapons and current challenges to security at both the global and regional levels. Participants exchanged views on critical and emerging issues related to nuclear disarmament and non-proliferation, and priorities and challenges with respect to the 2020 Review Cycle of the Treaty on the Non-Proliferation of Nuclear Weapons. Furthermore, they discussed the urgent need for in-depth dialogue aimed at building consensus among Member States on the complementary and mutually reinforcing nature of the two treaties and at reviewing the role of deterrence policy in ensuring global strategic security. The Conference highlighted the important role played by civil society and academic institutions in promoting education about peace and nuclear disarmament and in widely disseminating testimonies of atomic bomb survivors, the hibakusha, around the world. In addition, the Regional Centre and the United Nations Institute for Training and Research (UNITAR) office in Hiroshima co-organized a screening on 28 November of the documentary film *Paper Lanterns* on the margins of the Conference.

19. The Regional Centre, in cooperation with the Geneva Branch of the Office for Disarmament Affairs, organized a workshop for Asian States, with the participation of members of the high-level fissile material cut-off treaty expert preparatory group. The workshop, held in Bangkok on 27 and 28 March 2018, served to facilitate dialogue among Asian States on the implications of a future treaty, develop a better understanding of the issue and discuss the relationship of such a treaty with existing global and regional instruments in the field of nuclear disarmament and non-proliferation. It also served as a forum for interaction among members of the high-level fissile material cut-off treaty expert preparatory group and for knowledge- and information-sharing on issues relevant to the banning of production of fissile material. The project was funded by the Government of Canada.

C. Partnership, outreach and advocacy

20. The Regional Centre continued its efforts to enhance partnerships with major stakeholders in the region, including Member States, subregional organizations, other United Nations entities and civil society, through concerted outreach and information activities, joint initiatives and collaborative projects. In this context, the Centre, inter alia, strengthened its partnerships with ASEAN, the European Union, OSCE and the Pacific Islands Forum through the exchange of information, invitations to one another's events, and joint projects. In addition, the Regional Centre actively participated in and substantively contributed to the events described below.

21. The Regional Centre participated in the national workshop on the theme "Countering the financing of terrorism and the proliferation of weapons of mass destruction", organized by UNODC in Nepal in September 2017. The Centre contributed with a presentation on obligations stemming from Security Council resolution 1540 (2004) and on areas of cooperation between the Centre and the Government of Nepal to strengthen national capacity to implement the resolution.

22. The Regional Centre also contributed substantively to the Nuclear Disarmament and Non-Proliferation Training Programme of UNITAR. The Programme was tailored for diplomats and representatives of ministries of defence of ASEAN member States to enhance understanding of the current state of the nuclear disarmament debate, raise awareness on regional and global experience on confidence-building measures, including those recommended by the United Nations Disarmament Commission, and enhance beneficiaries' skills to advance regional discourse regarding disarmament and non-proliferation.

23. Furthermore, in January and February 2018, the Centre engaged in education and advocacy activities focused on peace and disarmament by delivering presentations to students of Kathmandu's International Lincoln High School and the Nepal Armed Police Forces College on United Nations efforts to maintain peace and security and to promote global agreements aimed at preventing illicit trafficking of small arms.

24. In May 2018, the Centre participated in and contributed to two regional workshops, one in Kathmandu, on promoting the universalization of the Arms Trade Treaty in South Asia and on developing national parliamentary action plans on achieving target 16.4 of the Sustainable Development Goals, and the other in Jakarta, on promoting the implementation of relevant arms control instruments in South-East Asia. The Centre delivered presentations on synergies between global arms control agreements and Goals 5 and 16 of the 2030 Agenda for Sustainable Development and introduced its regional project on the reduction of gun violence and illicit arms flows from a gender perspective. The workshop in Nepal was organized by the non-governmental organizations Women for Peace and Democracy and Control Arms, and the event in Indonesia by the Parliamentary Forum on Small Arms and Light Weapons, in cooperation with the ASEAN Inter-Parliamentary Assembly.

25. The Regional Centre participated in and contributed substantially to the meeting on the theme "Enhancing the women, peace and security agenda in North-East Asia", which was held in Beijing on 24 and 25 May 2018 and was organized by the Department of Political Affairs in cooperation with other United Nations entities operating in the Asia-Pacific region. Through its presentation and remarks in discussions during the meeting, the Regional Centre sought to enhance the agenda for women and peace and security by calling for the following: actively promoting the participation of women in international policy-making processes regarding peace and security matters at the national and international levels; achieving gender parity in legislative and executive branches of power; and strengthening the role of women through peace-and-disarmament education for different sectors of society, with a special emphasis on engaging with the younger generation.

D. Future activities

26. The Regional Centre will continue its work to assist Member States in the region, upon request, in contributing to their national and regional efforts towards arms control, disarmament and non-proliferation, and in promoting dialogue, confidence-building and peace-and-disarmament education in the region. The Centre will remain committed to the tasks of providing practical assistance and support to build national capacity for effective implementation of the Programme of Action, of Security Council resolution 1540 (2004) and of the goals of the 2030 Agenda for Sustainable Development focused on reducing illicit arms flows and gun violence and empowering women's participation and leadership in decision-making in the area of arms control and disarmament.

III. Financial situation, staffing and administration

A. Financial situation

27. The Regional Centre was established pursuant to General Assembly resolution 42/39 D on the basis of existing resources and voluntary contributions. In 2017, voluntary contributions to the trust fund for the Centre in the total amount of $253,569 were received from Member States. Information on the status of the trust fund for 2017 is contained in the annex to the present report. The Secretary-General encourages other Member States to consider providing in-kind contributions to the Centre.

28. The Secretary-General expresses his gratitude to the Member States that made financial and in-kind contributions to the Centre: Australia, China, Germany, Japan, the Republic of Korea and Thailand. The Secretary-General expresses his appreciation to the Government of Nepal for the long-standing financial and political support it has provided in its capacity as host country to the Regional Centre.

29. The Secretary-General recognizes financial and in-kind contributions to the Centre from Asian and Pacific States as a clear indication of the value that Member States attribute to its expertise and technical assistance, and therefore continues to encourage States in the region to provide such contributions.

30. The Secretary-General wishes to thank all Member States and partners for their generous contributions to and support for the Regional Centre and encourages their ongoing efforts in that regard, which will enable the Centre to continue to provide technical and capacity-building assistance to Member States in the region, at their request, in fulfilment of its mandate. Such financial and in-kind contributions remain essential to ensuring the sustainability of the Centre's operations, core activities and programmes, which benefit Asia and the Pacific.

B. Staffing

31. The regular budget of the United Nations funds the posts of one Senior Political Affairs Officer/Director of the Centre (P-5), one Political Affairs Officer (P-3) and one General Service staff member (G-7, Local level).

32. The Secretary-General thanks the host country, Nepal, which funded two additional local General Service staff members through its annual contribution. The Secretary-General also thanks the Governments of Japan and Switzerland for each providing the Centre with one Junior Professional Officer.

IV. Conclusion

33. During the reporting period, the Regional Centre engaged in and provided assistance for a number of arms control and disarmament initiatives and programmes in Asia and the Pacific. Working with Member States and other stakeholders, it thereby continued to fulfil its mandate to provide support, upon request, to Member States.

34. The Centre engaged in outreach and advocacy activities and actively cooperated with partners in the region, including ASEAN and other subregional organizations. Its efforts to strengthen the capacity of States in the region to control conventional arms and to prevent the proliferation of weapons of mass destruction to non-State actors remain highly relevant.

35. The Centre plans to expand the scope of its activities to include peace-and-disarmament education, as well as the promotion of the full and effective inclusion and participation of women in decision-making with respect to disarmament, non-proliferation and arms control, as part of the efforts of the United Nations to further promote peace, security and disarmament in the region and the world. In this regard, the annual conferences held in Japan and the Republic of Korea continue to provide important forums for promoting dialogue and confidence-building in the areas of disarmament, non-proliferation and regional security.

36. The Secretary-General calls upon Member States and other donors to provide the Regional Centre with the necessary financial and in-kind support to enable it to continue to fulfil its mandate effectively in serving the needs of Asia-Pacific Member States in the fields of peace, security and disarmament, in pursuance of Sustainable Development Goal 16, which promotes peaceful, just and inclusive societies, and in compliance with the Secretary-General's new disarmament agenda, entitled "Securing our common future: an agenda for disarmament", as presented in Geneva on 24 May 2018.

Annex

Status of the trust fund for the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific for 2017

(United States dollars)

Accumulated surplus, 1 January 2017	**962 386**
Revenue	
Voluntary contributions	253 569[a]
Investment revenue	12 850
Other revenue	3 034
Total revenue and prior year adjustment	**269 453**
Expenses	
Operating expenses	469 652
Total expenses	**469 652**
Surplus/(deficit)	(200 199)
Accumulated surplus/(deficit)	**762 187**

[a] Consists of voluntary contributions from donors as follows: Australia, $22,935; China, $50,000; Germany, $59,390; Japan, $78,244; Republic of Korea, $40,000; Thailand, $3,000.

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Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly

United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean

Report of the Secretary-General

Summary

The present report provides an overview of the activities of the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean from July 2017 to June 2018.

During that period, the Centre undertook 115 technical, legal and policy assistance activities to assist Latin American and Caribbean States, at their request, with the implementation of international instruments relating to conventional arms and weapons of mass destruction.

With a view to supporting the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, the Centre provided technical training to more than 2,500 national officials of Member States on the marking, tracing and interdiction of weapons at entry/exit points, stockpile management and the destruction of small arms. Support was also provided to States to aid in the incorporation of stockpile management standards and standard operating procedures into the small arms control practices of private security companies. The Centre worked closely with Central American States in supporting their implementation of the Arms Trade Treaty, while research was conducted to raise awareness of ammunition controls and trends in the region.

The Centre provided legislative, policy and capacity-building assistance to 462 personnel of national authorities in Latin America and the Caribbean to enhance the implementation of Security Council resolution 1540 (2004) on preventing the proliferation of weapons of mass destruction and their means of delivery to non-State actors. The Centre also developed tools to aid States in elaborating control lists and strengthening their licensing regimes to counter the proliferation of weapons of mass

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destruction and delivered capacity-building assistance to prevent proliferation in the context of maritime and port security.

The Secretary-General expresses his gratitude to those Member States and other partners that supported the Centre's operation and programmes with financial and in-kind contributions and calls upon those in a position to do so to make voluntary contributions to the Centre in order to sustain and further develop its activities in response to the increasing requests for assistance and cooperation by Member States in the region. The Secretary-General is particularly thankful to Peru for its long-standing support, as host country, for the Centre for more than 30 years.

I. Introduction

1. In its resolution 72/61, the General Assembly reiterated its strong support for the role of the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean in the promotion of peace, disarmament and development among its Member States and encouraged the Centre to further develop activities in all countries of the region in the areas of peace, disarmament and development and to provide, upon request and in accordance with its mandate, support to Member States' initiatives in those areas at the regional and subregional levels.

2. The General Assembly requested the Secretary-General to submit a report on the implementation of the resolution at its seventy-third session. In the present report, submitted pursuant to that request, the main activities carried out by the Centre from July 2017 to June 2018 are highlighted. A financial statement on the status of the trust fund for the Centre in 2017 is contained in the annex to the present report.

II. Functioning and mandate

3. The Centre, located in Lima, was established in 1987, pursuant to General Assembly resolution 41/60 J. It is mandated to provide, at their request, substantive support for the initiatives and other activities of the Member States in the region for the implementation of measures for peace and disarmament and for the promotion of economic and social development.

III. Main areas of activity

4. During the reporting period, the Centre undertook 115 technical, legal and training assistance activities to support States in the region in their efforts to implement disarmament, non-proliferation and arms control instruments and adhere to international standards and norms in those fields. The following paragraphs provide an overview of the main areas of activity of the Centre. Further details are provided in subsequent sections.

5. In line with international standards, the Centre supported the destruction of 18,000 obsolete weapons in Peru and provided technical assistance to Colombia in the destruction of more than 3,600 weapons laid down during the first phase of implementation of the peace agreement. This historic process also led to the destruction of 1.7 million rounds of ammunition.

6. In efforts to support the law enforcement community to mitigate the diversion of weapons, the Centre delivered x-ray identification training to more than 80 front-line responders, resulting in four reported interdictions in countries in which the training courses had been delivered.

7. To promote international standards in the investigation and prosecution of firearms-related cases, the Centre built the capacity of more than 170 security sector officials from the Bahamas, Barbados, Belize, the Dominican Republic, Guyana, Jamaica, Saint Kitts and Nevis and Trinidad and Tobago. As a result of those specialized training courses, the first potential "match" in the Americas was identified in the International Criminal Police Organization (INTERPOL) Ballistic Information Network in 2017 between a firearm recovered in Belize and markings for Guatemala.

8. The Centre helped to enhance State capacity to apply relevant international physical security standards in managing arms and ammunition stockpile facilities

among private security personnel, leading to a reduced risk of the weapons being diverted for illicit use.

9. Following the adoption of the 2030 Agenda for Sustainable Development, the Centre aligned its activities to implement and advance the Sustainable Development Goals, in particular Goal 16 ("Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels"), by engaging young people in measuring violence and insecurity through participatory indicators.

10. Furthermore, continuing a multi-agency project in northern Peru, the Centre worked with some 90 young people and adults to raise awareness about and seek solutions to the growing phenomenon of firearms possession and use in schools.

11. Feeding into public debate, the Centre published two new studies on ammunition control practices and trends in Latin America and the Caribbean.

12. With a view to providing continuity to State efforts to implement the Arms Trade Treaty, the Centre offered training and technical assistance to 125 officials from Barbados, Costa Rica, El Salvador and Guatemala.

13. To support the implementation of Security Council resolution 1540 (2004), the Centre assisted Antigua and Barbuda, Belize, the Dominican Republic, Grenada, Guyana, Peru, Suriname and Trinidad and Tobago in drafting new legislation and defining national priorities for national action plans. Its assistance resulted in the presentation of two national action plans by Belize and Peru.

14. Making use of recently produced guidelines on the development of national control lists, the Centre assisted the Dominican Republic in the adoption and creation of an operational focus list for the control of strategic goods. Likewise, the Centre developed guidelines for the adoption of standardized licensing protocols. Similar exercises were held on conventional weapons control in various Central American and Caribbean States.

15. Lastly, the Centre continued its efforts to promote the participation of women in disarmament, arms control and non-proliferation initiatives, in line with General Assembly resolution 65/69 on the subject. Overall, the activities undertaken by the Centre reached some 1,000 women (37 per cent of total participation).

A. Public security programme

1. Providing technical assistance in weapons destruction

16. In compliance with international instruments and norms, including the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument), the Centre provided technical assistance to the Peruvian army in destroying and permanently removing from circulation more than 18,000 obsolete weapons, including firearms (pistols, revolvers, rifles, grenade launchers and machine guns) and parts and components of conventional arms (predominantly cannons of rocket launchers) in August 2017. Destruction activities were carried out in accordance with the generic standard operating procedures developed by the Centre on, among other things, handling and safety, equipment operations and independent monitoring and verification. Those standard operating procedures, transmitted through a training workshop for some 50 army officials, will serve as the basis for internal procedures of the Peruvian army to guide future destruction processes.

2. Supporting the Colombian peace process

17. At the request of the United Nations Mission in Colombia, the Centre finalized its contribution to the "laying down of arms" component of the historic peace process negotiated between the Government and the Revolutionary Armed Forces of Colombia-People's Army. The Centre's support involved providing input into the logistical planning for the laying down of arms process and sharing its expertise on methods and techniques for the deactivation of small arms and light weapons. The Centre's assistance culminated in September 2017 with hands-on technical support in the destruction of some 9,000 small arms and 1,765,000 rounds of ammunition.

18. The initiative was the first time that the Office for Disarmament Affairs had contributed to a formal disarmament process in the region. The technical operating procedures developed by the Centre, which are based on international standards and best practices, including the International Small Arms Control Standards and the International Ammunition Technical Guidelines, were applied in the implementation of the peace agreement.

3. Supporting weapons interdictions through x-ray technology

19. Since the establishment of the Centre in the region, the law enforcement community has been both a partner in, and recipient of, technical assistance from the Centre. The Centre continued to work with front-line responders to mitigate the diversion of weapons through training initiatives and the provision of practical tools.

20. More than 80 law enforcement officials from the Dominican Republic and Uruguay benefited from two specialized national training sessions in November 2017 and April 2018, respectively, intended to facilitate the interdiction of small arms, parts, components and ammunition trafficked through the mail, parcels and baggage. The course made use of the Centre's state-of-the-art x-ray identification guide developed in collaboration with the Switzerland-based Center for Adaptive Security Research and Applications. This pioneering guide provides postal, customs and border agents with the tools necessary to detect and identify weapons being illicitly shipped through the postal service. The guide will help to counter this new trafficking modality, which has gone virtually uncontrolled thus far.

21. The training courses had a clear impact in the field, with one interdiction reported in the Dominican Republic and three in Uruguay. The courses and tools represent examples of the practical work undertaken by the Centre in support of the implementation of the Programme of Action in the field with tangible and immediate results and impact.

4. Improving small arms tracing capacity

22. The Centre continued to support the strengthening of national ballistics systems in the Bahamas, Barbados, Belize, the Dominican Republic, Guyana, Jamaica, Saint Kitts and Nevis and Trinidad and Tobago with a view to combating illicit trafficking in small arms, light weapons and ammunition and reducing armed violence. That assistance also substantively contributed to State implementation of the Programme of Action and the International Tracing Instrument.

23. The Centre delivered specialized security sector training to some 130 officials from the above-mentioned countries in its promotion of international standards in the investigation and prosecution of firearms-related cases. The courses were focused on reinforcing standardized operational forensic procedures vis-à-vis the proper handling and processing of firearms-related evidence found at crime scenes. Adequate gathering of information and collection of physical evidence of firearms and ammunition depend on crime scene management and the chain of custody, as well as

on information that could subsequently be used in the criminal investigation, and substantially increase the probability that a perpetrator will be convicted and impunity reduced.

24. Contributing to harmonized efforts in developing a sound national strategy for the investigation and prosecution of firearms-related cases and illicit trafficking in firearms and ammunition, the Centre engaged in efforts to increase the capacity of close to 40 forensic examiners and laboratory personnel from the Bahamas, Barbados, Belize, Guyana and Trinidad and Tobago in the preparation of double-cast moulds, through on-site training and the donation of equipment. The resin-based moulds, or casts, represent exact replicas of a fired bullet or cartridge case extracted from a crime scene. By sending replicas across jurisdictions for comparison rather than original evidence, the chain of custody is undisturbed and the integrity of the real-life evidence is not jeopardized.

25. As a clear indicator of the impact of the training and improved sharing of information across jurisdictions, the first potential "match" in the Americas was identified in the INTERPOL Ballistic Information Network in 2017 between a firearm recovered in Belize with markings for Guatemala. Double casts were prepared from the test-fired cartridge cases from the weapon and sent to the National Institute of Forensic Sciences of Guatemala in April 2018 for confirmation. The Belizean authorities are awaiting the results of microscopic comparison for confirmation of the match.

26. To further improve the sharing of information between States, the Centre organized two subregional meetings on forensic ballistics, one in the Dominican Republic in August 2017 and the other in Peru in May 2018, reaching some 60 participants, including State representatives, experts and regional and international organizations. The events underscored the importance of high-quality management systems in laboratories in support of the Regional Integrated Ballistic Information Network and as an essential component in facilitating mutual assistance and effective collaboration in forensic examinations. High-quality management and sound national strategies allow States to develop and rely upon national systems to undertake and cooperate in confidential tracing.

27. To build capacity in regional forensic laboratories, improve the work output of ballistic experts and reduce risks while improving the long-term health and safety of staff, the Centre procured specialized equipment and technology for conducting test-fires and functional testing for Belize, Guyana, Jamaica and Trinidad and Tobago. The state-of-the-art equipment, including refurbished indoor ranges and containerized test-fire ranges, contributes to the high-quality management of evidence and improved casework, thereby enhancing State capacity to meet marking and record-keeping responsibilities under the International Tracing Instrument.

5. Standardized marking practices

28. Pursuant to article 8 of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, by which States are to require appropriate simple marking on each imported firearm, permitting the identification of the country of import and, where possible, the year of import and enabling the competent authorities of that country to trace the firearm, the Centre procured a laser marking machine in March 2018 to be able to provide technical and capacity-building assistance to States in the secondary marking of firearms, thus reinforcing tracing mechanisms in the region. The Centre undertook the first on-site mission in June 2018, using the marking machine in Trinidad and Tobago. There, the Centre not only contributed to initial dialogue among national

authorities on secondary firearms marking, but also provided hands-on technical assistance by carrying out a pilot marking session on 21 and 22 June, with 12 participants.

6. Promoting small arms control practices among private security companies

29. International standards have also led to a joint project intended to strengthen the capacity of Colombia, the Dominican Republic, Guatemala, Jamaica and Mexico to control small arms under the ownership of private security companies and to promote good governance in the sector. The project, which was implemented in conjunction with the Geneva Centre for the Democratic Control of Armed Forces, is aimed at addressing the continuing increase in the privatization of security in the region through support for the application of the International Small Arms Control Standards, the International Ammunition Technical Guidelines and the International Code of Conduct for Private Security Service Providers.

30. If State capacity to apply these international physical security standards in the management of arms and ammunition in warehouses is increased, the risk of the weapons being diverted for illicit use is minimized. In that context, technical assistance was provided in Guatemala in July 2017 to aid in the incorporation of stockpile management standards and standard operating procedures into the small arms control practices of private security companies through the delivery of two technical workshops for 65 private security company employees in charge of overseeing and managing arms warehouses. In October 2017, Guatemala benefited from a Centre-led baseline assessment of the status of its private security sector, which included recommendations on addressing the challenges with regard to oversight and accountability, as well as small arms control in general.

31. To expand the geographical scope of the project in response to requests from States, the Centre and the Geneva Centre for the Democratic Control of Armed Forces launched private security company-based activities in Jamaica in November 2017 and in Mexico in March 2018. Both sets of activities — reaching more than 260 personnel from private security companies and national entities — included an executive seminar to raise awareness of private security regulations and small arms control, technical workshops on international standards vis-à-vis physical security and stockpile management and baseline studies similar to those carried out in Guatemala. In particular, in Jamaica, the Centre conducted voluntary assessments of armouries and storage facilities in two private security companies, making recommendations on measures that could be taken to comply with the International Small Arms Control Standards and the International Ammunition Technical Guidelines. In Mexico, the Centre carried out a second executive seminar and technical workshop on international standards for physical security and stockpile management on 27 June 2017.

32. Aware that the excessive use of force and firearms by private security company agents poses a problem to governance and security, the Centre incorporated the topic of use of force in the private security sector into its strategic approach to private sector outreach. In that context, the Centre, in association with the Geneva Centre for the Democratic Control of Armed Forces, organized three technical workshops for close to 100 personnel of national authorities in the three beneficiary Central American countries. The workshops served as a platform to generate debate on norms and policies on the use of force in the provision of private security services. Upon request, the Centre also held a round-table discussion on less lethal weapons for more than 60 representatives of government authorities in Mexico in May 2018, which was aimed at encouraging debates on the use of such devices by private security companies and their respective control and regulation regime, taking into account normative, legal and technical considerations. The Centre led sessions on the challenges posed and

opportunities offered by the use of alternative devices, such as less lethal weapons, in maintaining public order, for example when used by security agents while on duty, as well as the roles and responsibilities of Governments and the private sector in regulating the use of force in that field.

33. In that connection, legal workshops on less lethal weapons were conducted in Colombia in October 2017 and in the Dominican Republic in June 2018. They pertained to specific categories, definitions and classifications, including scope of use and effect. In Colombia, that technical information fed into national discussions on regulations vis-à-vis less lethal weapons. In addition, and with a view to assessing the most relevant technical dimensions from a regulatory and policy point of view, the Centre created a new technical classification guide for less lethal weapons, which will be formally presented in July 2018.

7. Focusing on young people as agents of change to advance the implementation of the 2030 Agenda

34. In the 2030 Agenda, it is recognized that children and young women and men are critical agents of change. In support of that assertion, the Centre, in collaboration with the United Nations Volunteers programme, implemented a project in 2017 to create spaces for young people to enhance their knowledge of Sustainable Development Goal 16 and engage in meaningful dialogue on peace, security and civic participation. More than 400 young volunteers from Colombia, Honduras, Peru and Trinidad and Tobago partnered with the Centre to develop some 200 community-based indicators to measure progress in attaining target 16.4 ("By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime").

35. The indicators were presented to local authorities in all participating States as a means of gaining political influence for improved implementation and monitoring of Goal 16. The rigour with which the indicators were created and later presented showcased the transformation of the young volunteers into agents of change and disarmament, as called for by the Secretary-General in his agenda for disarmament, equipped to advocate the enforcement of local policies that respond to the security-related needs of their communities.

36. The link between young people and peace and security was also maintained through a multi-agency project in northern Peru. In December 2017, the Centre brought together close to 90 participants, including representatives of youth and parent associations, education boards and local and municipal governments responsible for citizen security, to tackle the growing phenomenon of firearms possession and use in schools. Thematic experts from Argentina, Costa Rica, Guatemala, Mexico and Peru shared lessons learned and best practices to contribute to programmatic development, while the Centre created momentum among stakeholders in identifying possible joint interventions and collaborative action to respond to the challenge.

37. In further efforts to work with young people in northern Peru, in November 2017 the Centre engaged nearly 80 university students in a dialogue aimed at identifying specific ways of mainstreaming gender perspectives into small arms control processes and public policy discourse on reducing armed violence. The incorporation of gender components is essential for all relevant small arms control initiatives and operations, at all stages, from information gathering and planning to implementation, monitoring and evaluation.

8. Symposium on women and security

38. Pursuant to the recognition by the General Assembly in its resolution 65/69 on women, disarmament, non-proliferation and arms control of the valuable contribution of women to practical disarmament measures, the Centre convened its first symposium on women and security in Peru in December 2017. More than 40 women from the region dedicating their work to advancing the global peace and security agenda participated in the symposium, which provided a forum to present future strategies of the United Nations system to promote women and security in the region, to deliberate on how the 2030 Agenda and the Sustainable Development Goals could contribute to improving the lives of women in the region and to explore approaches to strengthening arms control to that end. Throughout the event, ample time was dedicated to identifying and sharing new ideas on empowering women working in the fields of peace and security.

39. The symposium also served as a platform to launch the Centre's publication entitled "Forces of change III", in which Latin American and Caribbean women share experiences on disarmament, security and the implementation of the Sustainable Development Goals. Highlighted therein is the importance of women as policymakers, diplomats, security officers, justice officials and representatives of civil society organizations, among other things, in advancing their roles. Women's valuable contributions to and leadership in achieving sustainable peace and development are recognized.

40. As a means of maintaining the momentum generated, the Centre launched a related professional networking page, which will serve as a "go-to" site to stay in touch with other women working in the security field and to exchange information on relevant work-related issues.

41. In the light of that unique gathering of women professionals from the region and beyond, the Centre presented a legal study to cross-reference small arms legislation with domestic violence provisions in Peru. It included a recommendation to incorporate into small arms legislation restrictions on the acquisition of guns and ammunition by anyone convicted of domestic and/or interpersonal violence. After the presentation, there were discussions on the importance of enhancing the gender accountability of policy and legal responses to illicit small arms trafficking.

9. Raising awareness of ammunition controls and trends in the region

42. During the past two decades, controls on small arms and light weapons have been strengthened by the adoption of a set of key international instruments and recently highlighted in target 16.4 of the Sustainable Development Goals. Nevertheless, while controls on the production and sale of weapons are becoming more stringent, those on ammunition are lagging. Hence, in efforts to support States in their disarmament and arms control efforts in general and in preventing and combating ammunition proliferation in particular, the Centre conducted a study on ammunition control practices in the region, navigating through the international instruments, standards, guidelines and practices vis-à-vis ammunition controls with a view to making security frameworks more rigorous and comprehensive. In its conclusion, the Centre outlined a way forward for Latin American and Caribbean Governments, regional and subregional bodies, the United Nations system, donor countries and civil society through recommendations on practical measures to improve ammunition controls at the regional and international levels.

43. In a parallel initiative, the Centre launched a second study, focusing on ammunition trends in the region, to raise international awareness of the impact of ammunition proliferation in undermining public security and, consequently, to

generate a comprehensive analysis of relevant information and intelligence in efforts to combat firearms-related crime. The study benefited from a 10-day on-site visit to the Dominican Republic in March 2018 during which the Centre was given access to data on ammunition seizures conducted by the national customs authorities. Through that real-life analysis, the Centre was able to create a "profile" (date, location, type of incident, gender of victims and perpetrators, calibre, length, import marking and brand/manufacturer) of ammunition found at crime scenes in the country throughout 2017 and to incorporate it into the Centre's in-house data systematization methodology.

44. The results of both studies were presented at side events on the margins of the third United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in New York in June 2018.

45. The Centre and the Conventional Arms Branch of the Office for Disarmament Affairs undertook two back-to-back regional meetings in Peru and Trinidad and Tobago in February 2018 for some 90 national officials to prepare States for the third Review Conference.

B. Supporting the implementation of multilateral instruments relating to conventional arms and weapons of mass destruction

1. Arms Trade Treaty

46. The Centre continued to support the strengthening of State implementation of the Arms Trade Treaty through training courses and technical assistance provided to some 130 government officials. The Centre supported three States in the region in complying with their reporting obligations under the Treaty by convening a subregional workshop in Barbados in July 2017 and five technical workshops, in El Salvador in November 2017 and January and April 2018, and Guatemala in February and April 2018, dealing with topics ranging from the identification of conventional weapons, ammunition, parts and components to the step-by-step creation and identification of the main functions of national control systems under the Treaty.

47. In addition, as a result of Treaty-related joint efforts by the Centre, the Arias Foundation for Peace and Human Progress, the Ministry of Foreign Affairs of Costa Rica and the German Federal Office for Economic Affairs and Export Control, Costa Rica formally established its Treaty national control system through a presidential decree. The Centre's support included the launching of its Treaty implementation course in October 2014, and participation in subsequent activities led by the German Federal Office, and the provision of specific assistance towards the conformation of the system in May 2016. As a complementary step, Costa Rica is finalizing its national control list in alignment with the Treaty's provision calling for the development of an effective and transparent national control system.

48. As in previous reporting periods, the Centre provided legal support to El Salvador in November 2017 by holding a legislative round-table discussion for 25 representatives of six ministries and agencies to review the minimum normative requirements for the national legal architecture to fully comply with the provisions of the Arms Trade Treaty. Discussions revolved around the content of the specific legislation, possible regulatory gaps and a new draft decree aimed at creating a national authority for the Treaty. The Treaty-related assistance delivered to both countries is funded by the voluntary trust fund for the Treaty. The overall aim of the

projects is to provide continuity to State efforts to implement the Treaty, with the Centre acting as the main implementing partner.

49. International partners continued to call upon the Centre to share its expertise relating to the Treaty. For example, in efforts to support the European Union Arms Trade Treaty outreach project, the German Federal Office for Economic Affairs and Export Control continued to look to the Centre to contribute to national dialogue on the development of Treaty road maps, with particular focus on export control lists, licensing systems, risk assessments and diversion prevention. In addition, the Centre provided technical support to launch an academy on the Treaty for Latin America, organized by Control Arms in Mexico in April 2017, and participated in the seventh meeting of the expert group on the implementation of the Treaty, convened by Saferworld in Canada in May 2017.

2. Security Council resolution 1540 (2004)

50. The Centre provided support to eight States in the region in their implementation of Security Council resolution 1540 (2004). The support included legal assistance in drafting processes pertaining to weapons of mass destruction, technical guidance in the elaboration and/or implementation of national action plans, specialized capacity-building assistance and tools and the promotion of regional dialogue on issues of non-proliferation concern.

51. Thanks to the support provided by the Centre and its partners (the group of experts of the Security Council Committee established pursuant to resolution 1540 (2004) and the Caribbean Community) during the previous reporting period, both Belize and Peru formally presented their national action plans to the Committee in July 2017. Likewise, important advances were made, with the help of the Centre, in Guyana and Suriname in the consolidation of their plans. The national authorities from both countries committed themselves to continuing to develop the plans and eventually submit them to the Committee. The Centre provided Guyana, in August 2017, and Antigua and Barbuda, in July 2017, with national legal studies containing recommendations on how to more closely align their national legislative frameworks with their obligations under resolution 1540 (2004).

52. The need to strengthen regulatory frameworks to improve the implementation of the resolution was identified in the national action plans of various beneficiary States. In response, the Centre organized a workshop to introduce instruments pertaining to weapons of mass destruction to close to 50 participants from relevant ministries in August 2017, which was followed up in August 2017 by its providing technical support to more than 20 national authority personnel in Peru in developing a draft law on improved harmonization between national legislation and the obligations found in the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriolcgical (Biological) and Toxin Weapons and on Their Destruction. In March 2018, the Dominican Republic announced the approval of its bill relating to weapons of mass destruction and requested the Centre's ongoing assistance to develop complementary regulations.

53. With the purpose of facilitating dialogue at the subregional level among Member States and regional organizations on the implications of a future fissile material cut-off treaty, the Centre and the Geneva-based branch of the Office for Disarmament Affairs delivered two training workshops in Peru (19 and 20 March 2018) for Latin American States and in Trinidad and Tobago (21 and 22 June 2018) for Caribbean States, reaching some 40 participants. The purpose of the workshops was to increase the capacity of States to participate in potential future negotiations on a fissile material cut-off treaty and to discuss the relationship of the future treaty with existing global and regional instruments.

54. Practical training has also been identified as a top priority for many countries in the region seeking to improve the practical enforcement of obligations pertaining to weapons of mass destruction. As a result, the Centre conducted numerous joint specialized training courses, targeting some 140 national authority personnel. In Peru, the Centre collaborated with the International Maritime Organization in September 2017 to boost the country's capacity to tackle issues of concern with regard to proliferation within the ambit of maritime and port security through practical tabletop exercises. In March 2018, in the Dominican Republic and Trinidad and Tobago, the Centre delivered targeted training, in collaboration with the Federal Bureau of Investigation of the United States of America, to 93 front-line national authority personnel on explosives and hazardous materials, with a special focus on improvised explosive devices and explosive precursor chemicals commonly found in the region. Moreover, a nine-country Caribbean-wide regional workshop was held in the Dominican Republic in November 2017, in collaboration with the World Customs Organization, on bolstering strategic trade control enforcement. Training included how to detect materials and technology pertaining to weapons of mass destruction, so as to support State implementation of resolution 1540 (2004).

55. On the basis of requests by Grenada and Trinidad and Tobago for support in strengthening relations with industry in the field of weapons of mass destruction, the Centre hosted two national industry stakeholder workshops in July 2017 to introduce to 39 personnel in the sector topics pertaining to the proliferation of weapons of mass destruction and increase awareness about dual-use goods and technologies. In February 2018, the Centre launched its newly developed licensing guide at the national level in Trinidad and Tobago. It was formally launched at the regional level at a regional seminar on the implementation of resolution 1540 (2004) held in the Dominican Republic in March 2018, with the participation of 65 national personnel from beneficiary States. The guide serves as the most recent regulatory tool in the Centre's toolkit of products to boost the implementation of the resolution throughout the region and complements the Centre's guide to control lists, which was formally launched during a regional seminar on strategic trade and border controls held in Peru in April 2017.

56. The Centre's assistance with control lists continued to bear fruit, with the Dominican Republic launching the region's first control list at the national level in March 2018. Likewise, specific technical support was provided to Belize in October 2017 and Trinidad and Tobago in February 2018, targeting 42 national authority personnel to aid in their process of developing control lists that are compliant with resolution 1540 (2004). The list is intended to provide front-line trade control officials with a functioning, easy-access tool for enhanced control over strategic trade and to bring States' national control lists — containing items from the main strategic trade control regimes — into compliance with the resolution.

IV. Staffing, financing and administration

A. Finances

57. In accordance with General Assembly resolution 41/60 J, the Centre was established on the basis of existing resources and voluntary contributions made by Member States and interested organizations for its core and programme activities. In 2017, voluntary contributions to the Centre's trust fund were received in the amount of $1,484,911. The Secretary-General expresses his gratitude to the Centre's donors, in particular the Governments of Canada, Germany, Sweden and the United States, and to the Arms Trade Treaty voluntary trust fund and the German Federal Office for Economic Affairs and Export Control for their ongoing financial support. Those

contributions enabled the Centre to continue to assist Member States in the region, at their request.

58. The Secretary-General also expresses his appreciation to Mexico, Panama and Peru for their financial contributions to the Centre. He continues to encourage financial and in-kind contributions to the Centre from Latin American and Caribbean States as a clear indication of the value that Member States place on the Centre's expertise and technical assistance.

59. The Secretary-General wishes to thank all States and partners for their generous contributions to and support for the Centre and encourages their continuous support to ensure that the Centre can continue to provide technical and capacity-building assistance to Member States in the region, at their request, in fulfilment of its mandate. Information on the status of the trust fund for the Centre for 2017 is contained in the annex to the present report.

B. Staffing and administration

60. The regular budget of the United Nations funds the posts of one Senior Political Affairs Officer/Director of the Centre (P-5), one Political Affairs Officer (P-3) and one General Service staff member (G-7, Local level).

61. Project personnel posts are funded through voluntary contributions. The Centre recruited additional programmatic support personnel for its public security and non-proliferation and arms control programmes. International consultants were contracted to support the Centre's private security-focused initiatives, the destruction project in Peru and the research project on ammunition control practices and trends in the region, as well as to assist with the development of new tools and guides aimed at supporting the implementation of instruments relating to small arms and weapons of mass destruction, including resolution 1540 (2004).

V. Conclusion

62. The Centre undertook 115 substantive activities to support States in their implementation of the Programme of Action, the International Tracing Instrument, the Arms Trade Treaty, Security Council resolution 1540 (2004) and General Assembly resolution 65/69.

63. The Centre continued to expand its technical assistance in areas ranging from improving tracing capabilities to supporting weapons destruction processes, including that in Colombia. The Centre also continued to support young people in becoming agents of action in supporting the implementation of the 2030 Agenda and measuring progress made in implementing target 16.4 of the Sustainable Development Goals. Moreover, States received assistance in strengthening their national frameworks on import/export controls for conventional weapons and dual-use goods, as well as small arms control mechanisms within the private security sector. The Centre supported States in their efforts to prevent the proliferation of weapons of mass destruction through the provision of legal assistance and capacity-building workshops, including on maritime and port security. Useful and practical tools created by the Centre were also put to use by beneficiary States to aid in strengthening trade controls, while research papers contributed to the elaboration of programmes and policies on improving ammunition controls.

64. The Centre promoted the participation and role of women in disarmament, non-proliferation and arms control by ensuring a maximum number of female participants at all its events, reaching some 1,000 women. In that context, the Centre

implemented a project aimed at promoting the implementation of General Assembly resolution 65/69 at the regional level.

65. The Secretary-General reiterates his call upon those Member States and other partners in a position to do so to provide the Centre with the financial and in-kind support, including direct financial contributions from Latin American and Caribbean States, necessary for it to continue to carry out its mandate effectively and serve the needs of Member States in the region. The Secretary-General also encourages States to continue to fully utilize the Centre's expertise and experience in their joint efforts to promote peace, security and disarmament in the region.

Annex

Status of the trust fund for the United Nations Regional Centre for Disarmament and Development in Latin America and the Caribbean for 2017

(United States dollars)

Accumulated surplus, 1 January 2017	**4 057 213**
Revenue	
Voluntary contributions	1 484 911[a]
Investment revenue	44 243
Other exchange revenue	110 890
Total revenue	**1 605 488**
Expenses	
Operating expenses	3 668 058
Refund to donors[b]	(34 556)
Total expenses	**3 668 058**
Surplus/(deficit)	(2 062 570)
Accumulated surplus	**1 994 643**

[a] Consists of voluntary contributions from donors as follows: El Salvador (through the Arms Trade Treaty voluntary trust fund), $28,500; Germany, $697,350; Guatemala (through the Arms Trade Treaty voluntary trust fund), $96,326; Panama, $7,000; Peru, $24,036; Sweden, $235,796; United States of America, $395,903.

[b] Consists of refunds to the following donors: Germany, $23,804; United States, $10,752.

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Criminal accountability of United Nations officials and experts on mission

Criminal accountability of United Nations officials and experts on mission

Report of the Secretary-General

Summary

The present report has been prepared pursuant to paragraph 28 of General Assembly resolution 72/112. Section II provides a general overview of the information received from Member States since 2007 regarding the establishment of jurisdiction over their nationals whenever they serve as United Nations officials or experts on mission. Section III presents an analysis based on such information. A compilation and a summary table of national provisions are available on the website of the Sixth Committee.

* A/73/50.

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I. Introduction

1. In paragraph 28 of its resolution 72/112, the General Assembly requested the Secretary-General to prepare and keep updated a report containing a compilation and a summary table of national provisions, based on information received from Member States since 2007, regarding the establishment of jurisdiction over their nationals whenever they serve as United Nations officials or experts on mission, in relation to crimes as known in their existing national criminal laws, particularly those of a serious nature. Since the adoption of resolution 62/63, information has been requested from Member States on their provisions establishing jurisdiction over crimes, particularly those of a serious nature, as known in their existing national criminal laws, committed by their nationals while serving as United Nations officials or experts on mission.[1] Paragraph 10 of resolution 72/112 contains the most recent such provision.

2. Between 6 December 2007 and 1 June 2017, 121 submissions from 57 Member States were received. Additionally, by 1 June 2017, of those 57 Member States, 12 responses had been received to the questionnaire prepared in 2016 by the Secretariat.[2]

3. For the purpose of the present report, submissions received during the reporting period between 1 June 2017 and 1 June 2018, as well as submissions received after the reporting period until 13 July 2018, were included. As at 13 July 2018, 8 submissions[3] and 3 questionnaire responses[4] had been received from the 57 Member States that had previously submitted information, while 3 submissions[5] and 1 questionnaire response[6] had been received from 4 Member States which had not previously submitted information.

4. Accordingly, as at 13 July 2018, a total of 132 written submissions and 16 questionnaire responses had been received from 61 Member States, with 60 Member States providing information regarding their national provisions.[7]

5. Section II provides a general overview of national provisions based on the information received from Member States. Section III provides an analysis of the extent to which Member States have established jurisdiction over crimes committed extraterritorially by nationals while serving as United Nations officials or experts on mission.

6. A compilation of the full submissions and questionnaire responses that have been received from Member States since 2007 can be found on the website of the

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[1] See the previous reports of the Secretary-General under this item (A/72/205, A/72/126, A/71/167, A/70/208, A/69/210, A/68/173, A/67/213, A/66/174 and Add.1, A/65/185, A/64/183 and Add.1, and A/63/260 and Add.1).

[2] See A/71/167, annex I, and Corr.1.

[3] Bulgaria, Finland, Germany, Greece, Mexico, Qatar, Switzerland and the United Kingdom of Great Britain and Northern Ireland.

[4] Belgium, Bosnia and Herzegovina and Greece; the response of Greece was submitted pursuant to resolution 71/134.

[5] Latvia, Turkey and Montenegro.

[6] Netherlands.

[7] Argentina, Australia, Austria, Belarus, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cyprus, Czechia, Egypt, El Salvador, Estonia, Finland, Georgia, Germany, Greece, Guatemala, Guyana, Iraq, Ireland, Italy, Jordan, Kenya, Kuwait, Latvia, Lebanon, Liechtenstein, Lithuania, Mexico, Montenegro, Netherlands, New Zealand, Norway, Oman, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Serbia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, Turkmenistan, the United Kingdom, the United States of America and Yemen; Slovakia provided information in response to General Assembly resolution 64/110 but not in relation to the issue of jurisdiction.

Sixth Committee under the item "Criminal accountability of United Nations officials and experts on mission" (available from http://www.un.org/en/ga/sixth). In addition, a summary table of the information received from Member States since 2007 regarding their national provisions is available on that website. The table, presented in the previous report of the Secretary-General (A/72/126), has been updated online to include the information received between 1 June 2017 and 13 July 2018.

II. General overview of national provisions based on the information received

7. A general overview of national provisions, based on the information received from the 60 Member States at the material time, is provided below. It focuses on: (a) bases of jurisdiction; (b) jurisdiction *ratione personae*; (c) jurisdiction *ratione materiae*; (d) the conditions for the exercise of such jurisdiction; (e) the application of rules of immunity; and (f) the applicability of military law. This corresponds to the framework set out in the questionnaire and the summary table of national provisions. Information has been included from statements made in submissions, specific responses to the questionnaire and extracts of national provisions, where provided. Where relevant, limitations or exceptions to the responses of Member States are provided in footnotes.

8. In relation to the available bases of jurisdiction and the relevant national provision(s) through which criminal law is applicable to nationals while serving as United Nations officials or experts on mission, the responses received reflect the following:

(a) Jurisdiction on the basis of territoriality: 40 Member States;[8]

(b) Jurisdiction on the basis of nationality: 55 Member States;[9]

(c) Jurisdiction on the basis of passive personality: 27 Member States;[10]

(d) Jurisdiction on the basis of the effects doctrine: 10 Member States;[11]

(e) Jurisdiction on the basis of the protective principle: 30 Member States;[12]

[8] Argentina, Australia, Austria, Belarus, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Canada, Chile, China, Colombia, Czechia, El Salvador, Finland, Germany, Greece, Guatemala, Guyana, Ireland, Italy, Kenya, Lebanon, Lithuania, Netherlands, Norway, Panama, Paraguay, Peru, Portugal, Qatar, Republic of Korea, Slovenia, Spain, Sweden, Switzerland, Turkey, Turkmenistan, the United States and Yemen.

[9] Australia, Austria, Belarus, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cyprus, Czechia, Egypt, El Salvador, Estonia, Finland, Georgia, Germany, Greece, Guatemala, Guyana, Iraq, Ireland, Italy, Jordan, Kuwait, Latvia, Liechtenstein, Lithuania, Mexico, Montenegro, Netherlands, New Zealand, Norway, Oman, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Serbia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, Turkmenistan, the United Kingdom and the United States; Kenya is not included as its jurisdiction over nationals is unclear (see its submissions pursuant to General Assembly resolutions 62/63 and 64/110).

[10] Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Czechia, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Italy, Mexico, Montenegro, Netherlands, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Slovenia, Spain and Turkmenistan.

[11] Argentina, Bolivia (Plurinational State of), Canada, Colombia, Germany, Mexico, Norway, Panama, Peru and Poland.

[12] Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Canada, Colombia, Cyprus, Czechia, Finland, Germany, Greece, Guatemala, Italy, Lithuania, Montenegro, Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Qatar, Republic of Korea, Slovenia, Spain, Sweden, Switzerland and Turkmenistan.

(f) Jurisdiction on the basis of universality: 33 Member States;[13]

(g) Other: 12 Member States.[14]

In addition, 17 Member States stated that no specific legislation applies to United Nations officials and experts on mission.[15]

9. Concerning the extent to which national provisions establish jurisdiction *ratione personae* over crimes committed extraterritorially by nationals while serving as United Nations officials and experts on mission, the responses received reflect the following:

(a) General application to all persons: no Member State;

(b) Jurisdiction over nationals: 55 Member States;[16]

(c) Jurisdiction over stateless persons: 12 Member States;[17]

(d) Jurisdiction over foreign nationals: 40 Member States;[18]

(e) Specific legislation for particular categories of persons:

(i) Military United Nations officials and experts on mission: 2 Member States;[19]

(ii) Police United Nations officials and experts on mission: 2 Member States;[20]

(iii) Civilian United Nations officials and experts on mission: 2 Member States;[21]

(iv) Public officials acting in foreign jurisdictions: 25 Member States;[22]

[13] Austria, Belarus, Belgium, Bosnia and Herzegovina, Canada, Croatia, Cyprus, Czechia, El Salvador, Estonia, Finland, Georgia, Germany, Greece, Guatemala, Ireland, Italy, Kenya, Lithuania, Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Portugal, Qatar, Slovenia, Spain, Sweden, Switzerland, Turkmenistan and the United Kingdom.

[14] Argentina, Canada, Czechia, Ireland, Netherlands, Norway, Panama, Paraguay, Portugal, South Africa, Switzerland and Yemen.

[15] Belgium, Bosnia and Herzegovina, Chile, Czechia, Germany, Greece, Guyana, Italy, Lithuania, Mexico, Norway, Peru, Poland, Republic of Korea, Serbia, Spain and the United Kingdom.

[16] Australia, Austria, Belarus, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cyprus, Czechia, Egypt, El Salvador, Estonia, Finland, Georgia, Germany, Greece, Guatemala, Guyana, Iraq, Ireland, Italy, Jordan, Kuwait, Latvia, Liechtenstein, Lithuania, Mexico, Netherlands, New Zealand, Norway, Oman, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Serbia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, Turkmenistan, the United Kingdom and the United States.

[17] Belarus, Belgium, Bosnia and Herzegovina, Canada, Czechia, Finland, Georgia, Germany, Greece, Norway, Poland and Turkmenistan.

[18] Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Croatia, Cyprus, Czechia, El Salvador, Estonia, Finland, Georgia, Germany, Greece, Guyana, Ireland, Italy, Jordan, Lithuania, Mexico, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Slovenia, Spain, Sweden, Switzerland, Turkey, Turkmenistan and the United Kingdom.

[19] Australia and Canada.

[20] Australia and Canada.

[21] Australia and Canada.

[22] Argentina, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Canada, China, Colombia, El Salvador, Finland, Germany, Greece, Guatemala, Iraq, Italy, Jordan, Netherlands, Norway, Panama, Paraguay, Peru, Poland, Spain, Turkey and the United Kingdom.

(v) Other: 19 Member States.[23]

10. As regards the extent to which national provisions establish jurisdiction *ratione materiae* over crimes committed extraterritorially by nationals while serving as United Nations officials or experts on mission, the responses received reflect the following:

(a) General application of criminal law: 35 Member States;[24]

(b) Application limited to international treaty obligations: 36 Member States;[25]

(c) Application limited to crimes of a "serious nature": 7 Member States;[26]

(d) Application limited to "international crimes", including genocide, crimes against humanity and war crimes: 26 Member States;[27]

(e) Application limited to crimes accompanied with minimum imprisonment terms: 10 Member States;[28]

(f) Application limited to crimes affecting "essential interest(s) of the State": 28 Member States;[29]

(g) Application limited to crimes affecting public security: 15 Member States;[30]

(h) Application limited to specific list of crimes: 33 Member States;[31]

(i) Other limitations to the application *ratione materiae* of domestic law: 8 Member States.[32]

[23] Belgium, Bosnia and Herzegovina, Chile, Colombia, Croatia, El Salvador, Estonia, Finland, Greece, Ireland, Italy, Jordan, Latvia, New Zealand, Republic of Korea, South Africa, Sweden, Switzerland and the United Kingdom.

[24] Argentina, Australia, Austria, Belarus, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Czechia, El Salvador, Estonia, Finland, Georgia, Germany, Guatemala, Italy, Kuwait, Latvia, Liechtenstein, Mexico, Montenegro, Paraguay, Peru, Poland, Portugal, Republic of Korea, Serbia, Slovenia, Spain, Sweden, Switzerland, Tunisia and Turkmenistan.

[25] Austria, Belarus, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Cyprus, Czechia, El Salvador, Estonia, Finland, Georgia, Germany, Greece, Guatemala, Italy, Jordan, Lithuania, Mexico, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Slovenia, Spain, Switzerland, Turkmenistan and the United Kingdom.

[26] Ireland, Netherlands, New Zealand, Spain, Sweden, Switzerland and the United Kingdom.

[27] Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Colombia, Czechia, Estonia, Finland, Georgia, Germany, Greece, Guatemala, Italy, Kenya, Lithuania, Netherlands, New Zealand, Norway, Panama, Peru, Spain, Sweden, Switzerland and the United Kingdom.

[28] Bosnia and Herzegovina, China, Colombia, Cyprus, Finland, Netherlands, Norway, Poland, Sweden and Turkey.

[29] Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Colombia, Cyprus, Czechia, Georgia, Germany, Guatemala, Italy, Jordan, Lithuania, Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Qatar, Republic of Korea, Slovenia, Spain, Sweden, Switzerland and Turkmenistan.

[30] Belgium, Bolivia (Plurinational State of), Czechia, Germany, Guatemala, Netherlands, New Zealand, Peru, Poland, Portugal, Qatar, Republic of Korea, Slovenia, Sweden and Switzerland.

[31] Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Cyprus, Czechia, Estonia, Finland, Germany, Greece, Guatemala, Guyana, Ireland, Italy, Lithuania, Netherlands, New Zealand, Norway, Panama, Poland, Republic of Korea, Slovenia, South Africa, Spain, Switzerland, Turkey, the United Kingdom and the United States.

[32] Egypt, Greece, Iraq, Ireland, Jordan, Norway, Oman and Tunisia.

11. In relation to the prerequisites which are placed before the application of extraterritorial jurisdiction for United Nations officials or experts on mission, the responses received reflect the following:

(a) Agreement (status-of-forces agreement (SOFA)/status-of-mission agreement (SOMA)) with host State on extraterritorial jurisdiction: no Member State;

(b) Agreement (SOFA/SOMA) with host State with respect to United Nations officials or experts on mission: no Member State;

(c) Any other agreement: 7 Member States;[33]

(d) National law: 46 Member States.[34]

12. In relation to other conditions which are placed before the application of extraterritorial jurisdiction for United Nations officials or experts on mission, the responses received reflect the following:

(a) Offence must be extraditable: 3 Member States;[35]

(b) Double criminality, with/without specific limitations to its application: 37 Member States;[36]

(c) Presence of the offender in territory of forum State, with/without specific limitations to its application: 26 Member States;[37]

(d) Application of *ne bis in idem*: 30 Member States;[38]

(e) Permission to prosecute required by Public Prosecutor/Attorney-General/other specific government official(s): 9 Member States.[39]

13. Concerning the legal basis for the application of rules of immunity to United Nations officials or experts on mission, the responses received reflect the following:

(a) Convention on Privileges and Immunities of the United Nations, 1946 (1946 Convention), as applicable: 24 Member States (but see para. 49 below);[40]

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[33] Australia, Belarus, Croatia, Czechia, Iraq, Jordan and Peru.

[34] Australia, Austria, Belarus, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Canada, Colombia, Croatia, Cyprus, Czechia, Egypt, El Salvador, Estonia, Finland, Georgia, Germany, Greece, Guatemala, Guyana, Iraq, Ireland, Italy, Jordan, Kuwait, Liechtenstein, Lithuania, Mexico, Montenegro, Netherlands, Norway, Oman, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Slovenia, Spain, Sweden, Switzerland, Tunisia, Turkey and Turkmenistan.

[35] Guatemala, Peru and Switzerland.

[36] Austria, Belarus, Belgium, Bosnia and Herzegovina, Canada, Croatia, Cyprus, Czechia, Egypt, El Salvador, Estonia, Finland, Georgia, Germany, Greece, Guyana, Iraq, Ireland, Kuwait, Liechtenstein, Lithuania, Mexico, Montenegro, Netherlands, Norway, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Slovenia, Spain, Sweden, Switzerland, Tunisia and Turkmenistan.

[37] Austria, Belarus, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Canada, Colombia, Czechia, Egypt, Guatemala, Iraq, Italy, Kuwait, Mexico, Montenegro, Norway, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Slovenia, Spain, Switzerland and Turkey.

[38] Belarus, Belgium, Bolivia (Plurinational State of), Canada, Colombia, Czechia, Egypt, El Salvador, Finland, Greece, Guatemala, Jordan, Kuwait, Lithuania, Mexico, Netherlands, Norway, Oman, Panama, Peru, Poland, Qatar, Republic of Korea, Slovenia, Spain, Sweden, Switzerland, Tunisia, Turkey and Turkmenistan.

[39] Australia, Belgium, Canada, Colombia, Finland, Guatemala, Iraq, Slovenia and Sweden.

[40] Argentina, Australia, Belarus, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, China, Czechia, Egypt, El Salvador, Finland, Greece, Guyana, Lebanon, Netherlands, Norway. Panama, Peru, Poland, Portugal, Republic of Korea, Switzerland and the United Kingdom.

(b) Specific agreement with the United Nations (SOFA/SOMA/other): 10 Member States;[41]

(c) Specific agreement with the host State (SOFA/SOMA/other): 8 Member States;[42]

(d) Other general privileges and immunities applicable, including those accorded by national law: 10 Member States.[43]

14. As regards the extent to which military and/or civilian law is applicable to crimes committed by United Nations officials or experts on mission, the responses received reflect the following:

(a) Exclusive application of military law to military personnel deployed as United Nations officials or experts on mission: 1 Member State;[44]

(b) Exclusive use of military courts for military personnel deployed as United Nations officials or experts on mission: 1 Member State;[45]

(c) Potential application of civilian law/courts to military personnel: 21 Member States.[46]

III. Analysis of national provisions based on the information received

15. To facilitate understanding of the jurisdictional bases and gaps that exist in national provisions, an analysis based on the information received from the 59 Member States is set out below.

A. Prescriptive jurisdiction

1. Territoriality

16. There are 40 Member States that have submitted information on the territorial scope of their criminal laws (see para. 8 (a) above),[8] of which 15 States have criminal laws that extend in scope to vessels such as ships and aircraft.[47]

17. There are 10 Member States that have criminal jurisdiction extending to conduct outside their territory which has or is intended to have effects within their territory (see para. 8 (d) above),[11] of which 5 States have general provisions stating that their

[41] Australia, Belarus, Belgium, Bolivia (Plurinational State of), Finland, Iraq, Lebanon, Netherlands, Norway and Switzerland.

[42] Australia, Belgium, Bosnia and Herzegovina, Czechia, El Salvador, Finland, Mexico and Netherlands.

[43] Belgium, Greece, Iraq, Jordan, Lithuania, Panama, Paraguay, Peru, Portugal and Turkmenistan.

[44] Republic of Korea.

[45] Republic of Korea.

[46] Australia, Belgium, Bosnia and Herzegovina, Canada, China, Czechia, El Salvador, Estonia, Finland, Germany, Greece, Ireland, Jordan, Latvia, Netherlands, New Zealand, Norway, Poland, Sweden, Switzerland and the United Kingdom.

[47] Bolivia (Plurinational State of) (subject to *ne bis in idem*), Bosnia and Herzegovina, Canada, Finland, Germany, Greece, Guatemala (subject to *ne bis in idem*), Ireland (in certain circumstances), Lithuania, Netherlands, Paraguay, Peru (covers acts on Peruvian public vessels and aircraft, wherever committed, and on Peruvian private vessels or aircraft, when committed on the high seas or in airspace over which no State exercises sovereignty), Republic of Korea, Spain and Sweden. Additionally, Kenya has jurisdiction over the crime of piracy on Kenyan-registered vessels.

criminal laws would apply in such circumstances[48] while the other 5 States have more specific provisions for certain crimes leading to effects within their territory.[49]

18. There is 1 Member State that noted its willingness to prosecute any crime committed within its territory by a United Nations official or expert on mission provided that domestic law exists, but noted that if no domestic law exists it might extradite the alleged offender to the State of nationality on an "extradite or prosecute" basis.[50]

19. No examples of the exercise of territorial jurisdiction over crimes committed by United Nations officials and experts on mission have been provided by Member States that submitted information, apart from one State which offered examples of its exercise of jurisdiction as a host State over alleged offences that had reportedly taken place in its territory.[51]

2. Nationality

20. The legislation of 55 Member States provides nationality as the basis of extraterritorial jurisdiction (see para. 8 (b) above).[9] Differences can be observed in the extent to which these States have established prescriptive jurisdiction over crimes committed extraterritorially by their nationals. While the exercise of jurisdiction based on nationality is uncontroversial for many States, other States extend extraterritorial jurisdiction over their nationals in more limited circumstances. The present report will first address general criminal laws where jurisdiction covers all nationals, before turning to more specific provisions establishing jurisdiction over particular categories of nationals (namely, public officials or civilian, police or military personnel).

General jurisdiction over nationals

21. There are 33 Member States that rely on a general application of criminal law to their nationals.[52] Jurisdiction based on nationality is asserted to the fullest extent as all crimes punishable under domestic law are covered. In addition, 6 of those 33 States extend jurisdiction to foreigners who are residents,[53] while 4 of those 33 States extend jurisdiction to stateless persons who are residents.[54] There are conditions for the exercise of jurisdiction by most of those 33 States. For example, 22 States have a general double criminality requirement,[55] but 7 States do not require double criminality to be satisfied for certain serious crimes, including crimes relating to sexual exploitation and abuse,[56] while 8 States have jurisdiction over crimes committed in territory that is not under the criminal jurisdiction of any State;[57] 9 States (including 8 of those States that apply double criminality as a condition) take

[48] Argentina, Bolivia, Mexico, Norway and Panama.
[49] Canada, Colombia, Germany, Peru and Poland.
[50] Kenya.
[51] Switzerland.
[52] Austria, Belarus, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Croatia, Czechia, El Salvador, Estonia, Finland, Georgia, Germany, Guatemala, Kuwait, Latvia, Liechtenstein, Lithuania, Mexico, Montenegro, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Serbia, Slovenia, Spain, Sweden, Switzerland and Turkmenistan.
[53] Belgium, Croatia, Latvia, Lithuania, Norway and Sweden.
[54] Belarus, Czechia, Georgia and Turkmenistan.
[55] Austria, Belarus, Belgium, Croatia, Estonia, Finland, Georgia, Germany, Kuwait, Liechtenstein, Lithuania, Mexico, Norway, Paraguay, Peru, Poland, Portugal, Slovenia, Spain, Sweden, Switzerland and Turkmenistan.
[56] Austria, Croatia, Finland, Germany, Liechtenstein, Lithuania and Norway.
[57] El Salvador, Estonia, Finland (for offences punishable by imprisonment for more than six months), Germany, Norway (for offences punishable by imprisonment), Paraguay, Portugal and Switzerland.

into account *ne bis in idem*;[58] 7 States require the presence of the alleged offender in the territory of the forum State;[59] 2 States require the offence to be extraditable;[60] and 2 States require the permission of a government official for an offence to be prosecuted.[61]

22. Other Member States assert extraterritorial jurisdiction over their nationals but limit jurisdiction *ratione materiae* to a narrower category of crimes. There are 5 States that restrict jurisdiction over their nationals to crimes accompanied with minimum imprisonment terms, ranging from one to four years.[62] The conditions for the exercise of jurisdiction differ among those 5 States: 1 State requires double criminality to be satisfied;[63] 2 States require the presence of the alleged offender in their territory;[64] 2 States observe *ne bis in idem*;[65] and 1 State allows prosecution to be instituted only following the authorization of the Government,[66] while 1 State added that, in extradition cases, its cooperation mechanism was applicable only in respect of the most serious crimes, which were recognized by its institutions as those crimes punishable by a higher imprisonment sentence.[67] Separately, the requirement of a minimum imprisonment term is relevant for 1 State that applies its general criminal law to its nationals (see para. 21 above), since extraterritorial jurisdiction only extends to offences committed in territory not belonging to any State if they are punishable by imprisonment for more than six months.[68]

23. Under another approach, 7 Member States have extraterritorial jurisdiction over their nationals for committing felonies or misdemeanours punishable under national law,[69] 1 of which also has extraterritorial jurisdiction over felonies or misdemeanours committed by foreigners who are residents, if their extradition has not been requested or accepted.[70] As to the conditions for the exercise of jurisdiction among those 7 States: 5 States require double criminality to be satisfied;[71] 3 States require the presence of the alleged offender in their territory;[72] 4 States take into account *ne bis in idem*,[73] and for 1 State, prosecution for a misdemeanour is subject to the filing of a criminal complaint by the victim or a request by the Government of the State in which the crime was committed and petty offences can be punished in cases specifically provided for by national law.[74]

24. There are 8 Member States that emphasized that the exercise of jurisdiction over specific crimes committed abroad by their nationals is permitted only under an

[58] Belarus, Bolivia (Plurinational State of), Kuwait, Lithuania, Mexico, Slovenia, Spain, Sweden and Turkmenistan.
[59] Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Mexico, Montenegro, Peru and Portugal.
[60] Guatemala (refers to refusal of extradition of the accused) and Peru.
[61] Belgium (prosecution of crimes committed against foreigners is at the request of the Federal Prosecutor) and Sweden (authorization is generally required from the Government or a person designated by the Government, except in limited circumstances).
[62] China (three years), Colombia (two years), Cyprus (two years), Sweden (four years) and Turkey (one year).
[63] Cyprus.
[64] Colombia and Turkey.
[65] Colombia and Turkey.
[66] Sweden.
[67] Colombia (four years).
[68] Finland.
[69] Egypt, Greece, Iraq, Jordan, Oman, Qatar and Tunisia.
[70] Jordan.
[71] Egypt, Greece, Iraq, Qatar and Tunisia.
[72] Egypt, Iraq and Qatar.
[73] Egypt, Oman, Qatar and Tunisia.
[74] Greece.

express exception to the territorial ambit of their laws.[75] Examples of such crimes, which are governed by international treaties or have been deemed sufficiently serious to attract extraterritorial jurisdiction, include piracy;[76] terrorism;[77] torture (committed by or on behalf of public officials);[78] trafficking in persons;[79] money-laundering;[80] corruption, bribery or related offences;[81] sexual offences (generally);[82] sexual offences involving children;[83] and murder, manslaughter or homicide.[84]

25. The information submitted by Member States does not reveal any clear picture of national provisions establishing jurisdiction over crimes of a "serious nature" committed by nationals serving as United Nations officials and experts on mission. On the one hand, 5 States highlighted specific serious crimes recognized in their domestic laws to which extraterritorial jurisdiction applies;[85] on the other hand, 2 States observed that their legislation did not have a category for crimes of a "serious nature".[86] Not all Member States elaborated on the concept of crimes of a "serious nature" in their domestic laws. It is worth recalling that the focus of this report is the establishment of jurisdiction by Member States over crimes, particularly those of a serious nature, "as known in their existing national criminal laws", committed by their nationals while serving as United Nations officials and experts on mission. In this regard, while it has been suggested that serious crimes against the person, including sexual crimes, should be included at the minimum,[87] a possible alternative approach would be to cover all serious crimes, as known and defined under the national law of the State asserting jurisdiction, that are punishable under that law by at least two or three years' imprisonment.[88]

Jurisdiction over public officials

26. There are 25 Member States that have specific provisions establishing jurisdiction over public officials acting in foreign jurisdictions (see para. 9 (e) (iv) above),[22] although there is no uniform approach towards United Nations officials or experts on mission.

27. Of those 25 States, 23 States have extraterritorial jurisdiction over crimes committed by public officials, typically in the performance of their duties[89] (although it is generally unclear whether United Nations officials and experts qualify as "public officials" under such provisions), of which 1 State explained that nationals serving as

[75] Canada, Guyana, Ireland, Netherlands, New Zealand, South Africa, the United Kingdom and the United States.
[76] New Zealand.
[77] Canada and New Zealand.
[78] Ireland and the United Kingdom.
[79] Canada, Ireland, New Zealand, the United Kingdom and the United States.
[80] New Zealand.
[81] Canada, New Zealand, the United Kingdom and the United States.
[82] Guyana (subject to double criminality), New Zealand and South Africa.
[83] Canada, Ireland (subject to double criminality), New Zealand, the United Kingdom and the United States.
[84] Ireland and the United Kingdom.
[85] Ireland, Netherlands, New Zealand, Spain and the United Kingdom.
[86] Colombia and Guatemala.
[87] See A/60/980, para. 61.
[88] See A/62/329, para. 39.
[89] Argentina, Belgium (limited to corruption offences), Bolivia (Plurinational State of), Canada (excluding non-federal employees), China, Colombia, El Salvador, Finland (refers to offences in public office), Germany, Greece, Guatemala, Iraq, Italy, Jordan, Netherlands (limited to a list of serious offences), Norway (prosecution may be permitted in certain circumstances if the crime has been adjudicated abroad, unless the prosecution in the adjudicating country was instituted on the application of its own authorities), Panama, Paraguay, Peru, Poland, Spain, Turkey and the United Kingdom.

United Nations officials or experts on mission in their personal capacity would not fall within the definition of public officials and offences applicable to public officials by virtue of their status would generally not extend to those who have been granted leave to serve as United Nations officials or experts on mission,[90] while 1 State regards nationals serving as United Nations officials or experts as international civil servants who are therefore excluded from provisions applicable to agents and employees of its authorities.[91]

28. In contrast, 2 of those 25 States have provisions that specifically apply to public officials deployed abroad to serve in peacekeeping or similar operations,[92] of which 1 State considers nationals serving as United Nations officials or experts on mission to be civil servants who remain subject to prosecution for all crimes punishable under its general criminal law, without any condition of double criminality,[93] while for the other State, civil servants and employees are subject to the same legislation applicable to police and military personnel participating in such operations (see paras. 34 and 38 below).[94]

Jurisdiction over civilian personnel

29. Apart from those Member States with provisions for civilian personnel acting in their capacity as public officials (see paras. 26–28 above) or civilian personnel attached to military personnel[95] (see paras. 35–39 below), 4 States have specific provisions that may be applicable to civilian United Nations officials and experts on mission.[96]

30. Of those 4 States, 1 State has specifically extended its criminal law to establish extraterritorial jurisdiction over its nationals who are immune from prosecution in a foreign State, subject to the written consent of a minister as a condition for the exercise of jurisdiction.[97] Presumably, this would include civilian personnel serving as United Nations officials or experts on mission who are covered by the 1946 Convention.

31. Of those same 4 States, 2 States have specific legislation over civilian personnel deployed abroad in international missions, peacekeeping operations, or similar activities.[98] Their legislation provides that civilian personnel who participate in such activities are subject to the extraterritorial application of criminal law and the principle of double criminality applies (except for certain sexual offences).

32. Of those same 4 States, 1 State has jurisdiction that is restricted to persons who are part of an overseas operations force authorized or required by the Government to participate in duties abroad, including both United Nations and non-United Nations operations[99] and it expressly acknowledged that jurisdiction does not extend to nationals serving as United Nations officials or experts on mission in their personal capacity without government authorization.

[90] Canada.
[91] Argentina (jurisdiction over agents and employees is not based on nationality).
[92] Austria and Bosnia and Herzegovina.
[93] Austria.
[94] Bosnia and Herzegovina.
[95] Australia, Belgium, Canada, South Africa and Sweden.
[96] Australia, Croatia, Finland and New Zealand.
[97] Australia.
[98] Croatia and Finland.
[99] New Zealand.

Jurisdiction over police personnel

33. There are 2 Member States that have specific provisions establishing jurisdiction over police United Nations officials and experts on mission (see para. 9 (e) (ii) above),[20] of which 1 State has extraterritorial criminal law over its nationals who are immune from prosecution in a foreign State, subject to the written consent of a minister as a condition for the exercise of jurisdiction (see para. 30 above), and stated that such law would apply to police personnel deployed to United Nations missions abroad who are covered by the 1946 Convention,[100] while according to the other State, police personnel deployed to serve in United Nations operations abroad in various capacities are governed by a code of conduct with extraterritorial effect, the breach of which renders them liable to be tried by the criminal justice system.[101]

34. There are 4 other Member States that have specific provisions applicable to police personnel deployed abroad in international missions, peacekeeping operations, or similar activities.[102] However, as the analysis is limited by the information received, the extent to which such provisions regulate the criminal conduct of police United Nations officials or experts on mission is not apparent.

Jurisdiction over military personnel

35. There are 26 Member States that have established some form of jurisdiction over the conduct of military personnel,[103] based on military law, civilian law, a combination of both or other specific legislation. Accordingly, jurisdiction would differ depending on the crimes targeted by the applicable provisions.

36. Of those 26 States, 12 States have military law that provides jurisdiction over their military personnel for military crimes committed abroad[104] and in 1 State the application of military law and the jurisdiction of military courts are exclusive in nature (see paras. 14 (a) and (b) above).[44,45]

37. Of those same 26 States, 21 States have general jurisdiction over their military personnel who are potentially subject to the application of civilian law/courts (see para. 14 (c) above),[46] in 9 States of which military law incorporates or coexists with general criminal law so that jurisdiction over military personal covers both military crimes and crimes of a civilian nature[105] and 1 State of which also has jurisdiction to prosecute its military personnel for conduct punishable as crimes under foreign law,[106] while in 5 States of which, by contrast, military personnel are subject to general criminal law to the same extent as other nationals.[107]

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[100] Australia.

[101] Canada.

[102] Bosnia and Herzegovina, Italy, Jordan (applicable to public security personnel of all ranks) and Sweden (applicable to employees of the police peace support operations or police officers with transnational assignments under international agreements).

[103] Australia, Belgium, Bosnia and Herzegovina, Canada, Chile, China, Colombia, Czechia, El Salvador, Estonia, Finland, Germany, Greece, Ireland, Italy, Jordan, Netherlands, New Zealand, Norway, Poland, Republic of Korea, South Africa, Sweden, Switzerland and the United Kingdom. However, South Africa did not provide information on the scope of jurisdiction *ratione materiae* under its defence act.

[104] Australia, Canada, Chile, Colombia (limited to crimes that are the direct result of military duties), Estonia, Finland, Greece, Ireland, New Zealand, Republic of Korea (excluding seconded enlisted soldiers), Switzerland and the United Kingdom.

[105] Australia, Canada, Estonia, Finland, Greece, Ireland, New Zealand, Switzerland and the United Kingdom.

[106] Canada.

[107] Belgium, Bosnia and Herzegovina, Czechia, Germany and Sweden.

38. Of those same 26 States, 5 States have jurisdiction based on specific provisions for military personnel deployed abroad in international missions, peacekeeping operations or similar activities,[108] which apparently exists in addition to, and thereby complements, the existing framework of military or civilian law.

39. Of those same 26 States, only 11 have specifically stated that their laws would cover the extraterritorial conduct of military personnel serving as United Nations officials or experts on mission.[109] Moreover, it is important to note that not all Member States distinguished between military members of national contingents, who are subject to the exclusive jurisdiction of their sending States, and military personnel serving as United Nations officials or experts on mission in their personal capacity.[110] As a result, the scope of the present analysis may be overinclusive or underinclusive.

3. Passive personality

40. There are 27 Member States that have national provisions based on passive personality (see para. 8 (c) above).[10] While some States assume jurisdiction over conduct affecting their nationals more broadly, others limit their exercise of jurisdiction within certain circumstances that are expressly provided for.

41. There are 16 Member States that have general provisions that establish jurisdiction over all crimes committed against their nationals,[111] of which 1 State has jurisdiction over crimes committed against stateless persons holding permanent residence status as well,[112] while double criminality is a condition for the exercise of jurisdiction for 9 States;[113] however, of those 16 States an exception is made by 3 States for crimes committed in territory that is not subject to any criminal jurisdiction[114] and 1 State added that its authorities had the discretion to prosecute a crime against its national even if it was not punishable under the law of the State where it was committed,[115] while the exercise of jurisdiction by 6 States is subject to the presence of the alleged offender within their territory,[116] 1 State added that the offence must be extraditable under domestic law,[117] 1 State may exercise jurisdiction only if the alleged offender is not extradited,[118] 3 States take into account *ne bis in idem*[119] and for 1 State permission is required to prosecute.[120]

42. Other Member States have jurisdiction over a narrower category of crimes against their nationals. In some ways, their provisions mirror those concerning crimes committed by nationals (see paras. 22 and 23 above). Four States limit their jurisdiction to crimes against their nationals that are punishable by minimum imprisonment terms, ranging relatively widely from six months to eight years,[121] one of which extends jurisdiction to crimes against foreigners who are permanent

[108] Bosnia and Herzegovina, Italy, Jordan (applicable to public security personnel of all ranks), Finland and Sweden.

[109] Australia, Canada, China, Germany, Greece, Ireland, Italy, Latvia, New Zealand, Republic of Korea and Switzerland.

[110] See A/62/329, paras. 54–65.

[111] Bosnia and Herzegovina, Bulgaria, Czechia, El Salvador, Estonia, Germany, Guatemala, Mexico, Montenegro, Panama, Peru, Poland, Portugal, Republic of Korea, Slovenia and Turkmenistan.

[112] Czechia.

[113] Czechia, Estonia, Germany, Mexico, Montenegro, Peru, Poland, Portugal and Slovenia.

[114] Czechia, Estonia and Portugal.

[115] Montenegro (upon the approval of the Supreme State Prosecutor).

[116] Bosnia and Herzegovina, Guatemala, Mexico, Montenegro, Peru and Portugal.

[117] Peru.

[118] Portugal.

[119] Guatemala, Mexico and Slovenia.

[120] Guatemala (a charge has to be brought by or on behalf of the Government Procurator's office).

[121] Belgium (five years), Finland (six months), Netherlands (eight years) and Norway (six years).

residents,[122] one of which extends jurisdiction to crimes against foreigners who are residents[123] and three of which require double criminality to be satisfied.[124] Apart from those 4 States, 1 other State asserts jurisdiction over crimes committed against its nationals that constitute felonies or misdemeanours, with the same conditions for the exercise of jurisdiction that apply to crimes committed by its nationals (see para. 23 above).[125]

43. There are 6 Member States that have jurisdiction based on specific provisions for particular crimes committed against their nationals, such as war crimes and crimes against humanity, terrorism, trafficking in persons and sexual offences involving children.[126]

44. There are 2 Member States that have provisions establishing jurisdiction over crimes committed against their nationals by their own nationals. The conditions for the exercise of jurisdiction are less stringent, compared to those applicable to crimes committed by foreign nationals: 1 State requires both the alleged offender and the victim to reside in its territory,[127] while the other State only requires the victim to reside in its territory.[128]

4. Protective principle

45. There are 30 Member States that have national provisions establishing jurisdiction over persons generally, including foreign nationals, on the basis of the protective principle (see para. 8 (e) above).[12] These provisions tend to focus on crimes affecting "essential interest(s) of the State" and/or public security, such as crimes against the State or against its interests, sovereignty, independence, integrity or security,[129] crimes against the constitutional order of the State,[130] crimes against the administration, authorities or institutions of the State,[131] crimes against the economy or economic interests of the State,[132] and crimes involving forgery or counterfeiting of official documents, seals or currency.[133] Generally, no conditions for the exercise of jurisdiction were mentioned in relation to such crimes.

5. Universality

46. No Member State has expressly asserted universal jurisdiction over crimes committed by United Nations officials and experts on mission. Although there are 33 Member States which have relied on universal jurisdiction (see para. 8 (f) above),[13] their national provisions concern other types of crimes.

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[122] Finland.
[123] Norway.
[124] Belgium, Finland and Netherlands.
[125] Greece (double criminality must be satisfied, unless the crime is committed in a constitutionally unsettled State; prosecution of a misdemeanour is subject to the filing of a complaint by the victim or a request by the Government of the State in which the crime was committed; petty offences can only be punished in cases specifically provided for by national law).
[126] Belgium, Canada, Chile, Ireland, Italy and Spain.
[127] Austria.
[128] Portugal.
[129] Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Colombia, Cyprus, Finland, Georgia, Guatemala, Italy, Montenegro, Norway, Panama, Peru, Poland, Portugal, Qatar, Slovenia, Spain, Sweden and Switzerland.
[130] Colombia, Cyprus, Guatemala, Peru, Slovenia and Spain.
[131] Bosnia and Herzegovina, Colombia, Netherlands, Norway, Panama, Peru, Poland and Sweden.
[132] Bolivia (Plurinational State of), Colombia, Panama, Peru and Poland.
[133] Belgium, Bosnia and Herzegovina, Colombia, Cyprus, Guatemala, Italy, Lithuania, Panama, Qatar, Slovenia and Spain.

47. In particular, 26 Member States have national provisions limited to "international crimes", including genocide, crimes against humanity and war crimes (see para. 10 (d) above).[27] Most of them referred to the Rome Statute of the International Criminal Court as the basis for jurisdiction, but some also mentioned conditions for the exercise of jurisdiction. Of those 26 States, 1 State stated that international crimes would be punished only if the alleged offender is found in its territory;[134] 1 State applies *ne bis in idem*[135]and 1 State stated that prosecutions could be commenced only with the consent of the Attorney-General.[136]

48. Universal jurisdiction may sometimes but not always overlap with extraterritorial jurisdiction based on a treaty. In this regard, 36 Member States have national provisions establishing jurisdiction in accordance with their international treaty obligations (see para. 10 (b) above).[25] Not all of them distinguished between the establishment of extraterritorial jurisdiction on a mandatory or permissive basis under international treaties. Of those 36 Member States, 14 States apply their domestic laws to crimes that they are obliged to prosecute,[137] 1 State applies its domestic law more broadly to crimes that it has either a right or an obligation to prosecute[138] and 6 States referred only to national provisions implementing specific international treaty obligations.[139] In terms of conditions for the exercise of jurisdiction among those 36 States, 10 States highlighted that double criminality was not required under their national provisions,[140] in contrast to 1 Member State which restricted its jurisdiction to crimes committed abroad that were either punishable in the State where it was committed or committed in a place that did not fall under any criminal jurisdiction,[141] while 4 States require the presence of the alleged offender in their territory[142] and 6 States subject prosecution to *ne bis in idem*.[143]

B. Immunity

49. All but one of the 60 Member States covered in the present report are parties to the 1946 Convention.[144] While not every State elaborated on this, 24 States expressly recognized the 1946 Convention as the applicable legal basis of rules of immunity for United Nations officials or experts on mission (see para. 13 (a) above).[40]

50. There are 10 Member States that referred to a SOFA/SOMA/other agreement with the United Nations as a basis for the application of rules of immunity (see para. 13 (b) above),[41] of which 3 States gave examples of agreements with the United Nations regulating their relationship as host Governments in relation to certain United Nations offices,[145] 1 State gave examples of its agreements with the United Nations

[134] Italy.
[135] Belarus.
[136] Canada.
[137] Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Germany, Mexico, Netherlands, Paraguay, Peru, Poland, Slovenia, Spain and Switzerland.
[138] Norway.
[139] Canada, Georgia, Jordan, Lithuania, New Zealand and the United Kingdom.
[140] Austria, Belarus, Belgium, Estonia, Finland, Greece, Lithuania, Panama, Poland and Spain.
[141] Switzerland.
[142] Italy, Mexico, Paraguay and Switzerland.
[143] Belarus, Lithuania, Mexico, Slovenia, Switzerland and Turkmenistan.
[144] Oman is not a party to the 1946 Convention. Status as at 13 July 2018, according to the website of the United Nations Treaty Collection (https://treaties.un.org).
[145] Bolivia (Plurinational State of) (Agreement between the Office of the High Commissioner for Human Rights and the Bolivian Government), Lebanon (Agreement concerning the Headquarters of the United Nations Economic and Social Commission for Western Asia) and Switzerland (Agreement on Privileges and Immunities of the United Nations concluded between the Swiss Federal Council and the Secretary-General of the United Nations).

Development Programme,[146] and 1 State stated that its military personnel are deployed pursuant to a memorandum of understanding with the United Nations concerning a United Nations peacekeeping mission in a separate Member State, under which such personnel are subject to its own exclusive jurisdiction.[147]

51. As for the 8 Member States which referred to a SOFA/SOMA/other agreement with the host State (see para. 13 (c) above),[42] specific examples were generally not provided regarding the application of rules of immunity on the basis of any such agreement. Only 1 State mentioned that, as a host State, it had an agreement with an international organization governing the status of that organization's military and civilian personnel, and that the provisions of the 1946 Convention were applicable mutatis mutandis unless otherwise provided by the agreement.[148]

52. Of the 10 Member States which referred to other privileges and immunities to United Nations officials or experts on mission (see para. 13 (d) above),[43] 8 Member States recognized that the issue of immunity would be decided in accordance with international agreements and/or customary international law (or general international law).[149] For 6 of those 10 States, it is possible that other privileges and immunities were accorded by their domestic law, but limited information was provided,[150] while 1 State explained that its domestic law recognizes a jurisdictional privilege for judges, who may serve as experts on mission for the United Nations, by establishing specific provisions in the case of offences committed while off or on duty, but that such a privilege consists of a special procedure and is not a jurisdictional privilege in the sense of the primacy of the jurisdiction of one State over the jurisdiction of another.[151]

C. Enforcement jurisdiction

53. No examples have been provided regarding the enforcement of national provisions against United Nations officials or experts on mission in the jurisdiction of any Member State.

54. On the contrary, based on the information provided at the material time, 10 Member States reported that they were not aware of any cases or allegations of serious crimes committed by their nationals while serving as United Nations officials or experts on mission.[152] Apart from those 10 States, 1 State stated that there was a complaint against its national deployed as an expert, which was dismissed, and that there was no instance of prosecution under its extraterritorial criminal law for United Nations officials or experts on mission,[153] while 1 State observed that no court rulings

[146] Norway (Agreement of 14 March 2001 between the Government of Norway and the United Nations Development Programme relating to the establishment of the UNDP Thematic Facility on Governance — The Oslo Center, and Supplementary Agreement of 23 December 2003 between Norway and the United Nations Development Programme).

[147] Belarus (memorandum of understanding between the Government of the Republic of Belarus and the United Nations on the provision of resources for the United Nations Interim Force in Lebanon).

[148] Bosnia and Herzegovina (Agreement on the status of the North Atlantic Treaty Organization and its personnel in Bosnia and Herzegovina, Appendix B to Annex 1-A of the General Framework Agreement for Peace in Bosnia and Herzegovina).

[149] Greece, Iraq, Jordan, Lithuania, Panama, Paraguay (refers to the Vienna Convention on Consular Relations), Peru and Turkmenistan.

[150] Belgium, Greece, Iraq, Lithuania, Panama and Portugal.

[151] Belgium.

[152] Czechia (as of 2016), El Salvador (as of 2014, 2016 and 2017), Finland (as of 2014, 2015, 2016, 2017 and 2018), Greece (as of 2015), Lithuania (as of 2015), New Zealand (no current allegations, investigations or prosecutions as of 2017), Qatar (as of 2009, 2010, 2011, 2015 and 2018), Serbia (as of 2008), Spain (as of 2016) and Turkmenistan (over the period 2006 to 2011).

[153] Australia (as of 2008 and 2016).

had been issued regarding the exercise of jurisdiction over its nationals serving as United Nations officials or experts on mission.[154]

55. Based on the information available on national provisions, it is clear that significant gaps continue to exist in Member States between prescriptive and enforcement jurisdiction.

[154] Kuwait (as of 2016).